



General Assembly

Substitute Bill No. 7306

January Session, 2007

* _____HB07306GAE____033007_____*

**AN ACT CONCERNING GOVERNMENT ADMINISTRATION, THE
AUTHORITY OF THE STATE ELECTIONS ENFORCEMENT
COMMISSION, CAMPAIGN FINANCE REFORM, AND THE STATE
CONTRACTING PROCESS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 20-281c of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) The board shall grant the certificate of "certified public
4 accountant" to any person who meets the good character, education,
5 experience and examination requirements of subsections (b) to (d),
6 inclusive, of this section and upon the payment of a fee of seventy-five
7 dollars.

8 (b) Good character for purposes of this section means lack of a
9 history of dishonest or felonious acts. The board may refuse to grant a
10 certificate on the grounds of failure to satisfy this requirement only if
11 there is a substantial connection between the lack of good character of
12 the applicant and the professional responsibilities of a licensee and if
13 the finding by the board of lack of good character is supported by clear
14 and convincing evidence, and when based upon the prior conviction of
15 a crime, is in accordance with the provisions of section 46a-80. When
16 an applicant is found to be unqualified for a certificate because of a
17 finding of lack of good character, the board shall furnish the applicant

18 a statement containing the findings of the board and a complete record
19 of the evidence upon which the determination was based.

20 (c) [The educational requirement for a certificate must be met before
21 an applicant is eligible to apply for the examination.] An applicant
22 may apply to take the examination if such person holds a
23 baccalaureate degree, or its equivalent, conferred by a college or
24 university acceptable to the board, with an accounting concentration or
25 equivalent, as determined by the board by regulation to be
26 appropriate. The educational requirements for a certificate shall be
27 prescribed in regulations to be adopted by the board as follows:

28 (1) Until December 31, 1999, a baccalaureate degree or its equivalent
29 conferred by a college or university acceptable to the board, with an
30 accounting concentration or equivalent as determined by the board by
31 regulation to be appropriate;

32 (2) After January 1, 2000, at least one hundred fifty semester hours
33 of college education including a baccalaureate or higher degree
34 conferred by a college or university acceptable to the board. The total
35 educational program shall include an accounting concentration or
36 equivalent, as determined by the board by regulation to be
37 appropriate.

38 (d) The board may charge, [or] and may provide for a third party
39 administering the examination to charge each applicant a fee in an
40 amount prescribed by the board by regulation, for each section of the
41 examination or reexamination taken by the applicant.

42 (e) The experience requirement for a certificate shall be as
43 prescribed by the board by regulation.

44 (f) The holder of a certificate may register his certificate annually
45 and pay a fee of twenty dollars in lieu of an annual renewal of a license
46 and such registration shall entitle the registrant to use the abbreviation
47 "CPA" and the title "certified public accountant" under conditions and
48 in the manner prescribed by the board by regulation.

49 Sec. 2. (NEW) (*Effective from passage*) The Ballroom Polka, as
50 composed by Ray Henry Mocarski, shall be the state polka.

51 Sec. 3. Subsection (a) of section 10-29a of the general statutes is
52 amended by adding subdivisions (52) to (56), inclusive, as follows
53 (*Effective from passage*):

54 (NEW) (52) The Governor shall proclaim the twenty-ninth day of
55 January of each year to be Thomas Paine Day to honor Thomas Paine,
56 the author and theorist, for his instrumental role in the cause of
57 independence leading to the American Revolution. Suitable exercises
58 shall be held in the State Capitol and elsewhere as the Governor
59 designates for the observance of the day.

60 (NEW) (53) The Governor shall proclaim August twenty-fourth of
61 each year to be Missing Persons Day to raise awareness of the plight of
62 the families of state citizens who have been reported as missing.
63 Suitable exercises shall be held in the State Capitol and elsewhere as
64 the Governor designates for the observance of the day.

65 (NEW) (54) The Governor shall proclaim October of each year to be
66 Italian-American Heritage Month in order to honor the contributions
67 of Italian immigrants and citizens of Italian descent to our state.
68 Suitable exercises shall be held in the State Capitol and elsewhere as
69 the Governor designates for the observance of the month.

70 (NEW) (55) The Governor shall proclaim August seventeenth of
71 each year to be Marcus Mosiah Garvey Day in order to honor the great
72 Caribbean-American leader. Suitable exercises shall be held in the
73 State Capitol and elsewhere as the Governor designates for the
74 observance of the day.

75 (NEW) (56) The Governor shall proclaim May of each year to be
76 Lyme Disease Awareness Month in order to raise awareness of the
77 causes, effects and treatment of the disease. Suitable exercises shall be
78 held in the State Capitol and elsewhere as the Governor designates for
79 the observance of the month.

80 Sec. 4. Section 2c-2b of the general statutes of the general statutes is
81 repealed and the following is substituted in lieu thereof (*Effective from*
82 *passage*):

83 (a) The following governmental entities and programs are
84 terminated, effective July 1, [2008] 2010, unless reestablished in
85 accordance with the provisions of section 2c-10:

86 (1) Regulation of hearing aid dealers pursuant to chapter 398;

87 (2) Repealed by P.A. 99-102, S. 51;

88 (3) Connecticut Homeopathic Medical Examining Board, established
89 under section 20-8;

90 (4) State Board of Natureopathic Examiners, established under
91 section 20-35;

92 (5) Board of Examiners of Electrologists, established under section
93 20-268;

94 (6) Connecticut State Board of Examiners for Nursing, established
95 under section 20-88;

96 (7) Connecticut Board of Veterinary Medicine, established under
97 section 20-196;

98 (8) Liquor Control Commission, established under section 30-2;

99 (9) Connecticut State Board of Examiners for Optometrists,
100 established under section 20-128a;

101 (10) Board of Examiners of Psychologists, established under section
102 20-186;

103 (11) Regulation of speech pathologists and audiologists pursuant to
104 chapter 399;

105 (12) Connecticut Examining Board for Barbers and Hairdressers and

- 106 Cosmeticians established under section 20-235a;
- 107 (13) Board of Examiners of Embalmers and Funeral Directors
108 established under section 20-208;
- 109 (14) Regulation of nursing home administrators pursuant to chapter
110 368v;
- 111 (15) Board of Examiners for Opticians established under section 20-
112 139a;
- 113 (16) Medical Examining Board established under section 20-8a;
- 114 (17) Board of Examiners in Podiatry, established under section 20-
115 51;
- 116 (18) Board of Chiropractic Examiners, established under section 20-
117 25;
- 118 (19) The agricultural lands preservation program, established under
119 section 22-26cc;
- 120 (20) Nursing Home Ombudsmen Office, established under section
121 17a-405;
- 122 (21) Mobile Manufactured Home Advisory Council established
123 under section 21-84a;
- 124 (22) Repealed by P.A. 93-262, S. 86, 87;
- 125 (23) The Child Day Care Council established under section 17b-748;
- 126 (24) The Connecticut Advisory Commission on Intergovernmental
127 Relations established under section 2-79a;
- 128 (25) The Commission on Children established under section 46a-126;
- 129 (26) The task force on the development of incentives for conserving
130 energy in state buildings established under section 16a-39b;

131 (27) The estuarine embayment improvement program established
132 by sections 22a-113 to 22a-113c, inclusive;

133 (28) The State Dental Commission, established under section 20-
134 103a;

135 (29) The Connecticut Economic Information Steering Committee,
136 established under section 32-6i;

137 (30) Repealed by P.A. 95-257, S. 57, 58; and

138 (31) The registry established under section 17a-247b.

139 (b) The following governmental entities and programs are
140 terminated, effective July 1, [2009] 2011, unless reestablished in
141 accordance with the provisions of section 2c-10:

142 (1) Program of regulation of sanitarians, established under chapter
143 395;

144 (2) Program of regulation of subsurface sewage disposal system
145 installers and cleaners, established under chapter 393a;

146 (3) Program of regulation of bedding and upholstered furniture
147 established by sections 21a-231 to 21a-236, inclusive;

148 (4) Regional mental health boards, established under section 17a-
149 484;

150 (5) Repealed by P.A. 88-285, S. 34, 35;

151 (6) All advisory boards for state hospitals and facilities, established
152 under section 17a-470;

153 (7) Repealed by P.A. 85-613, S. 153, 154;

154 (8) State Board of Examiners for Physical Therapists, established
155 under section 20-67;

156 (9) Commission on Medicolegal Investigations, established under
157 subsection (a) of section 19a-401;

158 (10) Board of Mental Health and Addiction Services, established
159 under section 17a-456;

160 (11) Repealed by P.A. 95-257, S. 57, 58;

161 (12) Commission on Prison and Jail Overcrowding established
162 under section 18-87j; and

163 (13) The residential energy conservation service program authorized
164 under sections 16a-45a, 16a-46 and 16a-46a.

165 (c) The following governmental entities and programs are
166 terminated, effective July 1, [2010] 2012, unless reestablished in
167 accordance with the provisions of section 2c-10:

168 (1) Board of Firearms Permit Examiners, established under section
169 29-32b;

170 (2) State Board of Landscape Architects, established under section
171 20-368;

172 (3) Repealed by P.A. 89-364, S. 6, 7;

173 (4) Police Officer Standards and Training Council, established under
174 section 7-294b;

175 (5) State Board of Examiners for Professional Engineers and Land
176 Surveyors, established under section 20-300;

177 (6) State boards for occupational licensing, established under section
178 20-331;

179 (7) Commission of Pharmacy, established under section 20-572;

180 (8) Connecticut Real Estate Commission, established under section
181 20-311a;

182 (9) State Codes and Standards Committee, established under section
183 29-251;

184 (10) Commission on Fire Prevention and Control, established under
185 section 7-323k;

186 (11) Program of regulation of building demolition, established
187 under section 29-401;

188 (12) Repealed by P.A. 93-262, S. 86, 87 and P.A. 93-423, S. 7; and

189 (13) Connecticut Food Policy Council, established under section 22-
190 456.

191 (d) The following governmental entities and programs are
192 terminated, effective July 1, [2011] 2013, unless reestablished in
193 accordance with the provisions of section 2c-10:

194 (1) State Insurance and Risk Management Board, established under
195 section 4a-19;

196 (2) Connecticut Marketing Authority, established under section 22-
197 63;

198 (3) Occupational Safety and Health Review Commission,
199 established under section 31-376;

200 (4) Connecticut Siting Council, established under section 16-50j;

201 (5) Connecticut Public Transportation Commission, established
202 under section 13b-11a;

203 (6) State Board of Accountancy, established under section 20-280;

204 (7) Repealed by P.A. 99-73, S. 10;

205 (8) Repealed by P.A. 85-613, S. 153, 154;

206 (9) State Milk Regulation Board, established under section 22-131;

- 207 (10) Deleted by P.A. 99-73, S. 1;
- 208 (11) Council on Environmental Quality, established under section
209 22a-11;
- 210 (12) Repealed by P.A. 85-613, S. 153, 154;
- 211 (13) Repealed by P.A. 83-487, S. 32, 33;
- 212 (14) Employment Security Board of Review, established under
213 section 31-237c;
- 214 (15) Repealed by P.A. 85-613, S. 153, 154;
- 215 (16) Connecticut Energy Advisory Board, established under section
216 16a-3;
- 217 (17) Connecticut Solid Waste Management Advisory Council,
218 established under subsection (a) of section 22a-279;
- 219 (18) Investment Advisory Council, established under section 3-13b;
- 220 (19) State Properties Review Board, established under subsection (a)
221 of section 4b-3;
- 222 (20) Commission on Human Rights and Opportunities, established
223 under section 46a-52;
- 224 (21) The coastal management program, established under chapter
225 444;
- 226 (22) Department of Economic and Community Development,
227 established under sections 4-38c and 8-37r;
- 228 (23) Family support grant program of the Department of Social
229 Services, established under section 17b-616;
- 230 (24) Program of regulation of occupational therapists, established
231 under chapter 376a;

- 232 (25) Repealed by P.A. 85-613, S. 153, 154;
- 233 (26) Architectural Licensing Board, established under section 20-289;
- 234 (27) Repealed by June Sp. Sess. P.A. 01-5, S. 17, 18; and
- 235 (28) The Connecticut Transportation Strategy Board.
- 236 (e) The following governmental entities and programs are
237 terminated, effective July 1, [2012] 2014, unless reestablished in
238 accordance with the provisions of section 2c-10:
- 239 (1) Regional advisory councils for children and youth center
240 facilities, established under section 17a-30;
- 241 (2) Repealed by P.A. 93-262, S. 86, 87;
- 242 (3) Advisory Council on Children and Families, established under
243 section 17a-4;
- 244 (4) Board of Education and Services for the Blind, established under
245 section 10-293;
- 246 (5) Repealed by P.A. 84-361, S. 6, 7;
- 247 (6) Commission on the Deaf and Hearing Impaired, established
248 under section 46a-27;
- 249 (7) Advisory and planning councils for regional centers for the
250 mentally retarded, established under section 17a-273;
- 251 (8) Repealed by P.A. 01-141, S. 15, 16;
- 252 (9) Repealed by P.A. 94-245, S. 45, 46;
- 253 (10) Repealed by P.A. 85-613, S. 153, 154;
- 254 (11) State Library Board, established under section 11-1;
- 255 (12) Advisory Council for Special Education, established under

256 section 10-76i;

257 (13) Repealed by June 30 Sp. Sess. P.A. 03-6, S. 248;

258 (14) Repealed by June 30 Sp. Sess. P.A. 03-6, S. 248;

259 (15) Repealed by P.A. 89-362, S. 4, 5;

260 (16) Repealed by June Sp. Sess. P.A. 91-14, S. 28, 30;

261 (17) Repealed by P.A. 90-230, S. 100, 101;

262 (18) State Commission on Capitol Preservation and Restoration,
263 established under section 4b-60;

264 (19) Repealed by P.A. 90-230, S. 100, 101; and

265 (20) Examining Board for Crane Operators, established under
266 section 29-222.

267 Sec. 5. (*Effective from passage*) The Legislative Program Review and
268 Investigations Committee shall conduct a study of the sunset law
269 contained in chapter 28 of the general statutes. The study shall address
270 the needs and merits of the sunset law and alternative methods of
271 addressing such needs and other performance measurement processes.
272 Not later than January 15, 2008, the Legislative Program Review and
273 Investigations Committee shall report its findings and
274 recommendations.

275 Sec. 6. (NEW) (*Effective from passage*) The Southern Connecticut
276 Renaissance Festival shall be the state renaissance festival.

277 Sec. 7. (NEW) (*Effective from passage*) Any general statute, local law,
278 ordinance, charter or regulation adopted by the state or any political
279 subdivision of the state that refers to persons with disabilities shall
280 utilize language that does not: (1) Imply that such persons are disabled
281 as a whole, (2) equate persons with their condition, or (3) have
282 negative overtones or have a derogatory or demeaning effect. Nothing

283 in this section shall be construed to invalidate any statute, local law,
284 ordinance, charter or regulation that fails to comply with the
285 requirements of this section.

286 Sec. 8. Subsection (c) of section 3-117 of the general statutes is
287 repealed and the following is substituted in lieu thereof (*Effective from*
288 *passage*):

289 (c) Notwithstanding the provisions of subsections (a) and (b) of this
290 section, the [Commissioner of Administrative Services] Chief
291 Information Officer shall charge the appropriations of any state
292 agency, without certification by such agency, for expenses incurred by
293 such agency for basic telephone service, toll telephone service and
294 teletypewriter or computer exchange service. Not later than thirty days
295 following notification of such charge, such agency shall certify to the
296 [commissioner] Chief Information Officer that such services were
297 provided to such agency. As used in this subsection, (1)
298 "telecommunications service" means and includes: The transmission of
299 any interactive electromagnetic communications including but not
300 limited to voice, image, data and any other information, by means of
301 but not limited to wire, cable, including fiber optical cable, microwave,
302 radio wave or any combinations of such media, and the resale or
303 leasing of any such service. "Telecommunications service" includes but
304 is not limited to basic telephone service, toll telephone service and
305 teletypewriter or computer exchange service, including but not limited
306 to, residential and business service, directory assistance, two-way cable
307 television service, cellular mobile telephone or telecommunication
308 service, specialized mobile radio and pagers and paging service,
309 including any form of mobile two-way communication.
310 "Telecommunications service" does not include (A) nonvoice services
311 in which computer processing applications are used to act on the
312 information to be transmitted, (B) any services or transactions subject
313 to the sales and use tax under chapter 219, (C) any one-way radio or
314 television broadcasting transmission, (D) any telecommunications
315 service rendered by a company in control of such service when

316 rendered for private use within its organization or (E) any such service
317 rendered by a company controlling such service when such company
318 and the company for which such service is rendered are affiliated
319 companies as defined in section 33-840 or are eligible to file a
320 combined tax return for purposes of the state corporation business tax
321 under chapter 208. (2) "Basic telephone service" means (A) telephone
322 service allowing a telecommunications transmission station to be
323 connected to points within a designated local calling area or (B) any
324 facility or service provided in connection with a service described in
325 subdivision (1) of this subsection but exclusive of any service which is
326 a toll telephone service, teletypewriter or computer exchange service.
327 (3) "Toll telephone service" means and includes the transmission of any
328 interactive electromagnetic communication to points outside the
329 designated local calling area in which the transmission originated for
330 which there is a toll charge which varies in amount with the distance
331 and elapsed transmission time of each individual communication, or a
332 telecommunication service which entitles the subscriber or user, upon
333 the payment of a periodic charge which is determined as a flat amount
334 or upon the basis of total elapsed transmission time, to the privilege of
335 an unlimited number of telephonic or interactive electromagnetic
336 communications to or from all or a substantial portion of the persons
337 having telephone or radio telephone stations in a specified area which
338 is outside the basic telephone system area in which the station
339 provided with this service is located. (4) "Teletypewriter or computer
340 exchange service" means and includes the access from a teletypewriter,
341 telephone, computer or other data station of which such transmission
342 facility is a part, and the privilege of intercommunications by such
343 station with substantially all persons having teletypewriter, telephone,
344 computer or other data stations constituting a part of the same
345 teletypewriter or computer exchange system, to which the subscriber
346 or user is entitled upon payment of a charge or charges, whether such
347 charge or charges are determined as a flat periodic amount on the basis
348 of distance and elapsed transmission time or some other method.

349 Sec. 9. Section 4d-90 of the general statutes is repealed and the

350 following is substituted in lieu thereof (*Effective from passage*):

351 (a) There is established a Geospatial Information Systems Council
352 consisting of the following members, or their designees: (1) The
353 Secretary of the Office of Policy and Management; (2) the
354 Commissioners of Environmental Protection, Economic and
355 Community Development, Transportation, Public Safety, Public
356 Health, Public Works, Agriculture, Emergency Management and
357 Homeland Security and Social Services; (3) the Chief Information
358 Officer of the Department of Information Technology; (4) the
359 Chancellor of the Connecticut State University system; (5) the
360 president of The University of Connecticut; (6) the Executive Director
361 of the Connecticut Siting Council; (7) one member who is a user of
362 geospatial information systems appointed by the president pro
363 tempore of the Senate representing a municipality with a population of
364 more than sixty thousand; (8) one member who is a user of geospatial
365 information systems appointed by the minority leader of the Senate
366 representing a regional planning agency; (9) one member who is a user
367 of geospatial information systems appointed by the Governor
368 representing a municipality with a population of less than sixty
369 thousand but more than thirty thousand; (10) one member who is a
370 user of geospatial information systems appointed by the speaker of the
371 House of Representatives representing a municipality with a
372 population of less than thirty thousand; (11) one member appointed by
373 the minority leader of the House of Representatives who is a user of
374 geospatial information systems; (12) the chairperson of the Public
375 Utility Control Authority; (13) the Adjutant General of the Military
376 Department; and (14) any other persons the council deems necessary
377 appointed by the council. The Governor shall select the chairperson
378 from among the members. The chairperson shall administer the affairs
379 of the council. Vacancies shall be filled by appointment by the
380 authority making the appointment. Members shall receive no
381 compensation for their services on said council, but shall be
382 reimbursed for necessary expenses incurred in the performance of
383 their duties. Said council shall hold one meeting [each month]

384 quarterly and such additional meetings as may be prescribed by
385 council rules. In addition, special meetings may be called by the
386 chairperson or by any three members upon delivery of forty-eight
387 hours written notice to each member.

388 (b) The council, within available appropriations, shall coordinate a
389 uniform geospatial information system capacity for municipalities,
390 regional planning agencies, the state and others, as needed, which
391 shall include provisions for (1) creation, maintenance and
392 dissemination of geographic information or imagery that may be used
393 to (A) precisely identify certain locations or areas, or (B) create maps or
394 information profiles in graphic or electronic form about particular
395 locations or areas, and (2) promotion of a forum in which geospatial
396 information may be centralized and distributed. In establishing such
397 capacity, the council shall consult with municipalities, regional
398 planning agencies, state agencies and other users of geospatial
399 information system technology. The purpose of any such system shall
400 be to provide guidance or assistance to municipal and state officials in
401 the areas of land use planning, transportation, economic development,
402 environmental, cultural and natural resources management, the
403 delivery of public services and other areas, as necessary.

404 (c) The council may apply for federal grants and may accept and
405 expend such grants on behalf of the state through the Office of Policy
406 and Management.

407 (d) The council, within available appropriations, shall administer a
408 program of technical assistance to municipalities and regional
409 planning agencies to develop geospatial information systems and shall
410 periodically recommend improvements to the geospatial information
411 system provided for in subsection (b) of this section.

412 (e) On or before January 1, 2006, and annually thereafter, the council
413 shall submit, in accordance with section 11-4a, a report on activities
414 under this section to the joint standing committee of the General
415 Assembly having cognizance of matters relating to planning and

416 development.

417 Sec. 10. Section 4d-7 of the general statutes is repealed and the
418 following is substituted in lieu thereof (*Effective from passage*):

419 (a) The Chief Information Officer shall develop, publish and
420 annually update an information and telecommunication systems
421 strategic plan which shall have the following goals: (1) To provide a
422 level of voice and data communications service among all state
423 agencies that will ensure the effective and efficient completion of their
424 respective functions; (2) to establish a direction for the collection,
425 storage, management and use of information by state agencies in an
426 efficient manner; (3) to develop a comprehensive information policy
427 for state agencies that clearly articulates (A) the state's commitment to
428 the sharing of its information resources, (B) the relationship of such
429 resources to library and other information resources in the state and
430 (C) a philosophy of equal access to information; (4) to provide all
431 necessary telecommunication services between state agencies and the
432 public; (5) to provide, in the event of an emergency, immediate voice
433 and data communications and critical application recovery capabilities
434 which are necessary to support state agency functions; and (6) to
435 provide necessary access to higher technology for state agencies.

436 (b) In order to facilitate the development of a fully integrated state-
437 wide information services and telecommunication system which
438 effectively and efficiently supports data processing and
439 telecommunication requirements of all state agencies, the strategic
440 plan shall include: (1) Establishment of guidelines and standards for
441 the architecture for information and telecommunication systems which
442 support state agencies; (2) plans for a cost-effective state-wide
443 telecommunication network to support state agencies, which network
444 may consist of different types of transmission media, including wire,
445 fiber and radio, and shall be able to support voice, data, video and
446 facsimile transmission requirements and any other form of information
447 exchange which takes place via electromagnetic media; (3) a level of
448 information systems and telecommunication planning for all state

449 agencies and operations throughout the state that will ensure the
450 effective and efficient utilization and access to the state's information
451 and telecommunication resources, including but not limited to, (A) an
452 inventory of existing on-line public access arrangements for state
453 agency data bases which contain information subject to disclosure
454 under the Freedom of Information Act, as defined in section 1-200, (B)
455 a list of data bases for which such access could be provided, including
456 data bases containing consumer, business and health and human
457 services program information, (C) provisions addressing the feasibility
458 and cost of providing such access, (D) provisions for a public-private
459 partnership in providing such on-line access, and (E) provisions to
460 enable citizens to communicate with state agencies by electronic mail;
461 (4) identification of annual expenditures and major capital
462 commitments for information and telecommunication systems; and (5)
463 a direction and policy planning pertaining to the infusion of new
464 technology for such systems for state agencies. In carrying out the
465 provisions of subparagraphs (A) to (E), inclusive, of subdivision (3) of
466 this subsection, the Chief Information Officer shall consult with
467 representatives of business associations, consumer organizations and
468 nonprofit human services providers.

469 (c) Each state agency shall submit to the Chief Information Officer
470 all plans, documents and other information requested by the Chief
471 Information Officer for the development of such plan.

472 (d) The Chief Information Officer shall not implement a state agency
473 proposal for information system hardware, software, maintenance
474 service or consulting unless such proposal complies with the strategic
475 plan and the agency's approved business systems plan. The Chief
476 Information Officer shall maintain a current inventory of information
477 system components to facilitate asset management and procurement
478 leverage.

479 Sec. 11. (*Effective from passage*) The joint standing committee of the
480 General Assembly having cognizance of matters relating to
481 government administration shall conduct a study of quasi-public

482 agencies and, not later than January 1, 2008, shall submit a report to
483 the General Assembly on its findings and recommendations.

484 Sec. 12. (*Effective from passage*) (a) There is established a task force to
485 study the need for a full time legislature, any requisite change in the
486 compensation of members and staff of the General Assembly if a full
487 time legislature is recommended and existing conflicts of interest for
488 members of the legislature, including, but not limited to, an
489 examination of conflicts between committee assignments and private
490 sector employment for members, an evaluation of the need for the
491 current dual-job ban, and any other conflicts of interest that may arise
492 for members of the General Assembly while carrying out their official
493 duties.

494 (b) The task force shall consist of the following members:

495 (1) Two appointed by the speaker of the House of Representatives;

496 (2) Two appointed by the president pro tempore of the Senate;

497 (3) One appointed by the majority leader of the House of
498 Representatives;

499 (4) One appointed by the majority leader of the Senate;

500 (5) One appointed by the minority leader of the House of
501 Representatives; and

502 (6) One appointed by the minority leader of the Senate.

503 (c) No member of the task force may be a member of the General
504 Assembly.

505 (d) All appointments to the task force shall be made not later than
506 thirty days after the effective date of this section. Any vacancy shall be
507 filled by the appointing authority.

508 (e) The speaker of the House of Representatives and the president

509 pro tempore of the Senate shall select the chairpersons of the task
510 force, from among the members of the task force. Such chairpersons
511 shall schedule the first meeting of the task force, which shall be held
512 not later than sixty days after the effective date of this section.

513 (f) The administrative staff of the joint standing committee of the
514 General Assembly having cognizance of matters relating to
515 government administration shall serve as administrative staff of the
516 task force.

517 (g) Not later than January 1, 2009, the task force shall submit a
518 report on its findings and recommendations to the joint standing
519 committee of the General Assembly having cognizance of matters
520 relating to government administration, in accordance with the
521 provisions of section 11-4a of the general statutes. The task force shall
522 terminate on the date that it submits such report or January 1, 2009,
523 whichever is later.

524 Sec. 13. (NEW) (*Effective from passage*) (a) For purposes of this
525 section, "state building" means any building or facility owned or leased
526 by the state, and "highway project" means any paving, widening,
527 building or other improvements including, but not limited to, sound
528 barriers and lighting.

529 (b) The State Bond Commission, in the allocation of proceeds of
530 state bonds for purposes of construction, reconstruction or remodeling
531 of any state building or for a highway project, shall allocate for
532 purposes of enforcement of prevailing wage laws, with respect to each
533 such project and for the purposes of subsection (c) of this section, an
534 amount from such proceeds not less than one-half of one per cent of
535 the total estimated cost of such construction, reconstruction or
536 remodeling or highway project where the total cost exceeds four
537 hundred thousand dollars, exclusive of (1) the cost of any land
538 acquisition, (2) any nonconstruction costs, and (3) any augmentations
539 to such cost, provided any such allocation for prevailing wage
540 enforcement as provided in this section shall be approved, prior to

541 authorization of such allocation by the State Bond Commission, by the
542 Commissioner of Public Works or the Commissioner of
543 Transportation. Such allocation shall be used by the Department of
544 Labor to fund additional staff for the purposes of conducting
545 prevailing wage enforcement.

546 (c) There is established within the General Fund a prevailing wage
547 enforcement account, which shall be a separate, nonlapsing account.
548 The moneys within said account shall be used by the Labor
549 Department (1) to hire staff, (2) to pay fringe benefits to such staff, and
550 (3) for administrative expenses associated with enforcement actions for
551 prevailing wage violations. The Labor Department shall adopt
552 regulations, in accordance with the provisions of chapter 54 of the
553 general statutes, that shall set forth the manner in which the moneys in
554 said account shall be allocated and expended for the purposes of this
555 section and establish procedures to ensure accountability in the
556 expenditure of such funds for enforcement of prevailing wage laws.

557 Sec. 14. Section 3-107 of the general statutes is repealed and the
558 following is substituted in lieu thereof (*Effective October 1, 2007*):

559 The following-described flag is the official flag of the state. The
560 dimensions of the flag shall be five feet and six inches in length, four
561 feet and four inches in width. The flag shall be azure blue, charged
562 with an argent white shield of rococo design, having in the center three
563 grape vines, supported and bearing fruit in natural colors. The bordure
564 to the shield shall be in two colors, gold on the interior and silver on
565 the exterior, adorned with natural-colored clusters of white oak leaves
566 (*Quercus alba*) bearing acorns. Above the shield shall be a white
567 streamer, cleft at each end, bordered by a band of gold within fine
568 brown lines and upon the streamer in dark blue block letters shall be
569 "CONNECTICUT". Below the shield shall be a white streamer, cleft at
570 each end, bordered by a band of gold within fine brown lines, and
571 upon the streamer in dark blue block letters shall be the motto "QUI
572 TRANSTULIT SUSTINET"; the whole design being the arms of the
573 state.

574 Sec. 15. (NEW) (*Effective from passage*) The Joint Committee on
575 Legislative Management shall establish and operate a Connecticut
576 music hall of fame at the state capitol to recognize distinguished
577 Connecticut residents in the field of music. The committee may solicit,
578 receive and accept aid, grants or contributions, from any source, of
579 money, property, labor or other things of value, for the purposes of
580 this section.

581 Sec. 16. (*Effective from passage*) The joint standing committee of the
582 General Assembly having cognizance of matters relating to the
583 Department of Economic and Community Development shall develop
584 a plan for implementing the provisions of section 15 of this act. The
585 committee shall submit the plan to the General Assembly by January 1,
586 2008.

587 Sec. 17. Subsection (c) of section 3-21e of the general statutes is
588 repealed and the following is substituted in lieu thereof (*Effective from*
589 *passage*):

590 (c) The State Treasurer (1) may divest, decide to not further invest
591 state funds or not enter into any future investment in any company
592 doing business in Sudan, and (2) shall divest and not further invest in
593 any security or instrument issued by Sudan. In determining whether to
594 divest state funds in accordance with the provisions of subdivision (1)
595 of this subsection, the factors which the Treasurer shall consider shall
596 include, but not be limited to, the following: (A) Revenues paid by
597 such company directly to the government of Sudan, (B) whether such
598 company supplies infrastructure or resources used by the government
599 of Sudan to implement its policies of genocide in Darfur or other
600 regions of Sudan, (C) whether such company knowingly obstructs
601 lawful inquiries into its operations and investments in Sudan, (D)
602 whether such company attempts to circumvent any applicable
603 sanctions of the United States, (E) the extent of any humanitarian
604 activities undertaken by such company in Sudan, (F) whether such
605 company is engaged solely in the provision of goods and services
606 intended to relieve human suffering, or to promote welfare, health,

607 education, religious or spiritual activities, (G) whether such company
608 is authorized by the federal government of the United States to do
609 business in Sudan, (H) evidence that such company has engaged the
610 government of Sudan to cease its abuses in Darfur or other regions in
611 Sudan, (I) whether such company is engaged solely in journalistic
612 activities, and (J) any other factor that the Treasurer deems prudent. In
613 the event that the Treasurer determines that divestment of state funds
614 is warranted from a company in which state funds are invested due to
615 such [company] company's doing business in Sudan, the Treasurer
616 shall give notice to such company that such funds shall be divested
617 from such company for as long as such company does business in
618 Sudan.

619 Sec. 18. Subsection (m) of section 4a-82 of the general statutes is
620 repealed and the following is substituted in lieu thereof (*Effective from*
621 *passage*):

622 (m) Notwithstanding the provisions of subsection (f) of this section,
623 the Commissioner of Administrative Services shall authorize certified
624 small and minority [business] businesses to participate in such pilot
625 program.

626 Sec. 19. Subsection (k) of section 4a-100 of the general statutes is
627 repealed and the following is substituted in lieu thereof (*Effective from*
628 *passage*):

629 (k) (1) Any materially false statement in the application or any
630 update statement may, in the discretion of the awarding authority,
631 result in termination of any contract awarded the applicant by the
632 awarding authority. The awarding authority shall provide written
633 notice to the commissioner of such false statement not later than thirty
634 days after discovering such false statement. The commissioner shall
635 provide written notice of such false statement to the Commissioner of
636 Public Works and the Commissioner of Consumer Protection not later
637 than thirty days after discovering such false statement or receiving
638 such notice.

639 (2) The commissioner shall revoke the prequalification of any
640 person, after an opportunity for hearing, if the commissioner finds that
641 the person has included any materially false statement in such
642 application or update statement, has been convicted of a crime related
643 to the procurement or performance of any public or private
644 construction contract, [or,] within the past five years, or has otherwise
645 engaged in fraud in obtaining or maintaining prequalification. Any
646 person whose prequalification has been revoked pursuant to this
647 subsection shall be disqualified for a period of two years after which
648 the person may reapply for prequalification, except that a person
649 whose prequalification has been revoked on the basis of conviction of a
650 crime or engaging in fraud shall be disqualified for a period of five
651 years after which the person may reapply for prequalification. The
652 commissioner shall not prequalify a person whose prequalification has
653 been revoked pursuant to this subdivision until the expiration of said
654 two or five-year disqualification period and the commissioner is
655 satisfied that the matters that gave rise to the revocation have been
656 eliminated or remedied.

657 Sec. 20. Section 4b-103 of the general statutes is repealed and the
658 following is substituted in lieu thereof (*Effective from passage*):

659 (a) In order to carry out any provision of this title for the
660 construction, renovation or alteration of buildings or facilities, the
661 Commissioner of Public Works may enter into a construction manager
662 at-risk project delivery contract.

663 (b) The Commissioner of Public Works shall not enter into a
664 construction manager at-risk project delivery contract that does not
665 provide for a maximum guaranteed price for the cost of construction
666 that shall be determined not later than the time of the receipt and
667 approval by the commissioner of the trade contractor bids. Each
668 construction manager at-risk shall invite bids and give notice of
669 opportunities to bid on project elements, by advertising, at least once,
670 in one or more newspapers having general circulation in the state.
671 Each bid shall be kept sealed until opened publicly at the time and

672 place [as] set forth in the notice soliciting such bid. The construction
673 manager at-risk shall, after consultation with and approval by the
674 commissioner, award any related contracts for project elements to the
675 responsible qualified contractor submitting the lowest bid in
676 compliance with the bid requirements, provided (1) the construction
677 manager at-risk shall not be eligible to submit a bid for any such
678 project element, and (2) construction shall not begin prior to the
679 determination of the maximum guaranteed price, except for the project
680 elements of site preparation and demolition that have been previously
681 put out to bid and awarded.

682 Sec. 21. Subsection (b) of section 9-249 of the general statutes is
683 repealed and the following is substituted in lieu thereof (*Effective from*
684 *passage*):

685 (b) The election officials of such voting districts shall attend the
686 elections training program developed under subdivision (1) of
687 subsection (c) of section 9-192a and any other meeting or meetings [as
688 are] called for the purpose of receiving such instructions concerning
689 their duties as are necessary for the proper conduct of the election.

690 Sec. 22. Subsection (c) of section 9-705 of the general statutes is
691 repealed and the following is substituted in lieu thereof (*Effective from*
692 *passage*):

693 (c) (1) Notwithstanding the provisions of subsections (a) and (b) of
694 this section, the qualified candidate committee of an eligible minor
695 party candidate for the office of Governor, Lieutenant Governor,
696 Attorney General, State Comptroller, Secretary of the State or State
697 Treasurer shall be eligible to receive a grant from the fund for the
698 general election campaign if the candidate of the same minor party for
699 the same office at the last preceding regular election received at least
700 ten per cent of the whole number of votes cast for all candidates for
701 said office at said election. The amount of the grant shall be one-third
702 of the amount of the general election campaign grant under subsection
703 (a) or (b) of this section for a candidate for the same office, provided

704 (A) if the candidate of the same minor party for the same office at the
705 last preceding regular election received at least fifteen per cent of the
706 whole number of votes cast for all candidates for said office at said
707 election, the amount of the grant shall be two-thirds of the amount of
708 the general election campaign grant under subsection (a) or (b) of this
709 section for a candidate for the same office, (B) if the candidate of the
710 same minor party for the same office at the last preceding regular
711 election received at least twenty per cent of the whole number of votes
712 cast for all candidates for said office at said election, the amount of the
713 grant shall be the same as the amount of the general election campaign
714 grant under subsection (a) or (b) of this section for a candidate for the
715 same office, and (C) in the case of an election held in 2014, or
716 thereafter, said amounts shall be adjusted under subsection (d) of this
717 section.

718 (2) Notwithstanding the provisions of subsections (a) and (b) of this
719 section, the qualified candidate committee of an eligible petitioning
720 party candidate for the office of Governor, Lieutenant Governor,
721 Attorney General, State Comptroller, Secretary of the State or State
722 Treasurer shall be eligible to receive a grant from the fund for the
723 general election campaign if said candidate's nominating petition has
724 been signed by a number of qualified electors equal to at least ten per
725 cent of the whole number of votes cast for the same office at the last
726 preceding regular election. The amount of the grant shall be one-third
727 of the amount of the general election campaign grant under subsection
728 (a) or (b) of this section for a candidate for the same office, provided
729 (A) if said candidate's nominating petition has been signed by a
730 number of qualified electors equal to at least fifteen per cent of the
731 whole number of votes cast for the same office at the last preceding
732 regular election, the amount of the grant shall be two-thirds of the
733 amount of the general election campaign grant under subsection (a) or
734 (b) of this section for a candidate for the same office, (B) if said
735 candidate's nominating petition has been signed by a number of
736 qualified electors equal to at least twenty per cent of the whole number
737 of votes cast for the same office at the last preceding regular election,

738 the amount of the grant shall be the same as the amount of the general
739 election campaign grant under subsection (a) or (b) of this section for a
740 candidate for the same office, and (C) in the case of an election held in
741 2014, or thereafter, said amounts shall be adjusted under subsection (d)
742 of this section.

743 (3) In addition to the provisions of subdivisions (1) and (2) of this
744 subsection, the qualified candidate committee of an eligible petitioning
745 party candidate and the qualified candidate committee of an eligible
746 minor party candidate for the office of Governor, Lieutenant Governor,
747 Attorney General, State Comptroller, Secretary of the State or State
748 Treasurer shall be eligible to receive a supplemental grant from the
749 fund after the general election if the treasurer of such candidate
750 committee reports a deficit in the first statement filed after the general
751 election, pursuant to section 9-608, and such candidate received a
752 greater [per cent] percentage of the whole number of votes cast for all
753 candidates for said office at said election than the [per cent] percentage
754 of votes utilized by such candidate to obtain a general election
755 campaign grant described in subdivision (1) or (2) of this subsection.
756 The amount of such supplemental grant shall be calculated as follows:

757 (A) In the case of any such candidate who receives more than ten
758 per cent, but not more than fifteen per cent, of the whole number of
759 votes cast for all candidates for said office at said election, the grant
760 shall be the product of (i) a fraction in which the numerator is the
761 difference between the percentage of such whole number of votes
762 received by such candidate and ten per cent and the denominator is
763 ten, and (ii) two-thirds of the amount of the general election campaign
764 grant under subsection (a) or (b) of this section for a major party
765 candidate for the same office.

766 (B) In the case of any such candidate who receives more than fifteen
767 per cent, but less than twenty per cent, of the whole number of votes
768 cast for all candidates for said office at said election, the grant shall be
769 the product of (i) a fraction in which the numerator is the difference
770 between the percentage of such whole number of votes received by

771 such candidate and fifteen per cent and the denominator is five, and
772 (ii) one-third of the amount of the general election campaign grant
773 under subsection (a) or (b) of this section for a major party candidate
774 for the same office.

775 (C) The sum of the general election campaign grant received by any
776 such candidate and a supplemental grant under this subdivision shall
777 not exceed one hundred per cent of the amount of the general election
778 campaign grant under subsection (a) or (b) of this section for a major
779 party candidate for the same office.

780 Sec. 23. Subsection (g) of section 9-705 of the general statutes is
781 repealed and the following is substituted in lieu thereof (*Effective from*
782 *passage*):

783 (g) (1) Notwithstanding the provisions of subsections (e) and (f) of
784 this section, the qualified candidate committee of an eligible minor
785 party candidate for the office of state senator or state representative
786 shall be eligible to receive a grant from the fund for the general
787 election campaign if the candidate of the same minor party for the
788 same office at the last preceding regular election received at least ten
789 per cent of the whole number of votes cast for all candidates for said
790 office at said election. The amount of the grant shall be one-third of the
791 amount of the general election campaign grant under subsection (e) or
792 (f) of this section for a candidate for the same office, provided (A) if the
793 candidate of the same minor party for the same office at the last
794 preceding regular election received at least fifteen per cent of the
795 whole number of votes cast for all candidates for said office at said
796 election, the amount of the grant shall be two-thirds of the amount of
797 the general election campaign grant under subsection (e) or (f) of this
798 section for a candidate for the same office, (B) if the candidate of the
799 same minor party for the same office at the last preceding regular
800 election received at least twenty per cent of the whole number of votes
801 cast for all candidates for said office at said election, the amount of the
802 grant shall be the same as the amount of the general election campaign
803 grant under subsection (e) or (f) of this section for a candidate for the

804 same office, and (C) in the case of an election held in 2010, or
805 thereafter, said amounts shall be adjusted under subsection (h) of this
806 section.

807 (2) Notwithstanding the provisions of subsections (e) and (f) of this
808 section, the qualified candidate committee of an eligible petitioning
809 party candidate for the office of state senator or state representative
810 shall be eligible to receive a grant from the fund for the general
811 election campaign if said candidate's nominating petition has been
812 signed by a number of qualified electors equal to at least ten per cent of
813 the whole number of votes cast for the same office at the last preceding
814 regular election. The amount of the grant shall be one-third of the
815 amount of the general election campaign grant under subsection (e) or
816 (f) of this section for a candidate for the same office, provided (A) if
817 said candidate's nominating petition has been signed by a number of
818 qualified electors equal to at least fifteen per cent of the whole number
819 of votes cast for the same office at the last preceding regular election,
820 the amount of the grant shall be two-thirds of the amount of the
821 general election campaign grant under subsection (e) or (f) of this
822 section for a candidate for the same office, (B) if said candidate's
823 nominating petition has been signed by a number of qualified electors
824 equal to at least twenty per cent of the whole number of votes cast for
825 the same office at the last preceding regular election, the amount of the
826 grant shall be the same as the amount of the general election campaign
827 grant under subsection (e) or (f) of this section for a candidate for the
828 same office, and (C) in the case of an election held in 2010, or
829 thereafter, said amounts shall be adjusted under subsection (h) of this
830 section.

831 (3) In addition to the provisions of subdivisions (1) and (2) of this
832 subsection, the qualified candidate committee of an eligible petitioning
833 party candidate and the qualified candidate committee of an eligible
834 minor party candidate for the office of state senator or state
835 representative shall be eligible to receive a supplemental grant from
836 the fund after the general election if the treasurer of such candidate

837 committee reports a deficit in the first statement filed after the general
838 election, pursuant to section 9-608, and such candidate received a
839 greater [per cent] percentage of the whole number of votes cast for all
840 candidates for said office at said election than the [per cent] percentage
841 of votes utilized by such candidate to obtain a general election
842 campaign grant described in subdivision (1) or (2) of this subsection.
843 The amount of such supplemental grant shall be calculated as follows:

844 (A) In the case of any such candidate who receives more than ten
845 per cent, but [less] not more than fifteen per cent, of the whole number
846 of votes cast for all candidates for said office at said election, the grant
847 shall be the product of (i) a fraction in which the numerator is the
848 difference between the percentage of such whole number of votes
849 received by such candidate and ten per cent and the denominator is
850 ten, and (ii) two-thirds of the amount of the general election campaign
851 grant under subsection (a) or (b) of this section for a major party
852 candidate for the same office.

853 (B) In the case of any such candidate who receives more than fifteen
854 per cent, but less than twenty per cent, of the whole number of votes
855 cast for all candidates for said office at said election, the grant shall be
856 the product of (i) a fraction in which the numerator is the difference
857 between the percentage of such whole number of votes received by
858 such candidate and fifteen per cent and the denominator is five, and
859 (ii) one-third of the amount of the general election campaign grant
860 under subsection (a) or (b) of this section for a major party candidate
861 for the same office.

862 (C) The sum of the general election campaign grant received by any
863 such candidate and a supplemental grant under this subdivision shall
864 not exceed one hundred per cent of the amount of the general election
865 campaign grant under subsection (a) or (b) of this section for a major
866 party candidate for the same office.

867 Sec. 24. Section 3-22k of the general statutes is repealed and the
868 following is substituted in lieu thereof (*Effective from passage*):

869 On or before [October fifteenth] December thirty-first, annually, the
870 Treasurer shall submit a financial report, pursuant to section 3-37, to
871 the Governor on the operations of the trust including the receipts,
872 disbursements, assets, investments, and liabilities and administrative
873 costs of the trust for the prior fiscal year. The Treasurer shall also
874 submit such report to the Connecticut Higher Education Trust
875 Advisory Committee established pursuant to section 3-22e, and make
876 the report available to each depositor and designated beneficiary.

877 Sec. 25. Section 4a-67d of the general statutes is repealed and the
878 following is substituted in lieu thereof (*Effective from passage*):

879 (a) The fleet average for cars or light duty trucks purchased by the
880 state shall: (1) On and after October 1, 2001, have a United States
881 Environmental Protection Agency estimated highway gasoline mileage
882 rating of at least thirty-five miles per gallon and on and after January 1,
883 2003, have a United States Environmental Protection Agency estimated
884 highway gasoline mileage rating of at least forty miles per gallon, (2)
885 comply with the requirements set forth in 10 CFR 490 concerning the
886 percentage of alternative-fueled vehicles required in the state motor
887 vehicle fleet, and (3) obtain the best achievable mileage per pound of
888 carbon dioxide emitted in its class. The alternative-fueled vehicles
889 purchased by the state to comply with said requirements shall be
890 capable of operating on natural gas or electricity or any other system
891 acceptable to the United States Department of Energy that operates on
892 fuel that is available in the state.

893 (b) Notwithstanding any other provisions of this section, (1) on and
894 after January 1, 2008, any car or light duty truck purchased by the state
895 shall have an efficiency rating that is in the top third of all vehicles in
896 such purchased vehicle's class and fifty per cent of such cars and light
897 duty trucks shall be an alternative fueled, hybrid electric or plug-in
898 electric vehicle, and (2) on and after January 1, 2012, one hundred per
899 cent of such cars and light duty trucks shall be alternative fueled,
900 hybrid electric or plug-in electric vehicles.

901 [(b)] (c) The provisions of [subsection (a)] subsections (a) and (b) of
902 this section shall not apply to [cars or light duty trucks purchased for
903 law enforcement or other special use purposes as designated by the
904 Department of Administrative Services] state police vehicles used in
905 the immediate pursuit of actual or suspected violators of the law.

906 [(c)] (d) As used in this section, the terms "car" and "light duty
907 truck" shall be as defined in the United States Department of Energy
908 Publication DOE/CE -0019/8, or any successor publication.

909 Sec. 26. (*Effective from passage*) (a) Not later than January 1, 2008, the
910 Commissioner of Environmental Protection, in consultation with the
911 Commissioner of Administrative Services, shall determine whether the
912 state qualifies for an exemption under the federal Energy Policy Act of
913 2005 from the requirement to utilize ethanol fuel in state vehicles, due
914 to the lack of availability in the state of such fuel.

915 (b) Not later than January 1, 2008, the Commissioner of
916 Environmental Protection, in consultation with the Commissioner of
917 Administrative Services, shall develop a plan to increase the utilization
918 of existing ethanol fueling stations in the state. Not later than February
919 1, 2008, such plan shall be submitted to the joint standing committees
920 of the General Assembly having cognizance of matters relating to
921 government administration and the environment.

922 (c) Not later than January 1, 2008, the Commissioner of
923 Environmental Protection shall determine whether the state may
924 utilize any credits the state may have under the Energy Policy Act of
925 2005 to invest in hydrogen fuel vehicles.

926 Sec. 27. Section 9-7b of the general statutes is repealed and the
927 following is substituted in lieu thereof (*Effective from passage*):

928 (a) The State Elections Enforcement Commission shall have the
929 following duties and powers:

930 (1) To make investigations on its own initiative or with respect to

931 statements filed with the commission by the Secretary of the State or
932 any town clerk, or upon written complaint under oath by any
933 individual, with respect to alleged violations of any provision of the
934 general statutes or regulations of Connecticut state agencies relating to
935 any election or referendum, any primary held pursuant to section 9-
936 423, 9-425 or 9-464 or any primary held pursuant to a special act, and
937 to hold hearings when the commission deems necessary to investigate
938 violations of any provisions of the general statutes relating to any such
939 election, primary or referendum, and for the purpose of such hearings
940 the commission may administer oaths, examine witnesses and receive
941 oral and documentary evidence, and shall have the power to subpoena
942 witnesses under procedural rules the commission shall adopt, to
943 compel their attendance and to require the production for examination
944 of any books and papers which the commission deems relevant to any
945 matter under investigation or in question. In connection with its
946 investigation of any alleged violation of any provision of chapter 145,
947 or of any provision of section 9-359 or section 9-359a, the commission
948 shall also have the power to subpoena any municipal clerk and to
949 require the production for examination of any absentee ballot, inner
950 and outer envelope from which any such ballot has been removed,
951 depository envelope containing any such ballot or inner or outer
952 envelope as provided in sections 9-150a and 9-150b and any other
953 record, form or document as provided in section 9-150b, in connection
954 with the election, primary or referendum to which the investigation
955 relates. In case of a refusal to comply with any subpoena issued
956 pursuant to this subsection or to testify with respect to any matter
957 upon which that person may be lawfully interrogated, the superior
958 court for the judicial district of Hartford, on application of the
959 commission, may issue an order requiring such person to comply with
960 such subpoena and to testify; failure to obey any such order of the
961 court may be punished by the court as a contempt thereof. In any
962 matter under investigation which concerns the operation or inspection
963 of or outcome recorded on any voting machine, the commission may
964 issue an order to the municipal clerk to impound such machine until
965 the investigation is completed;

966 (2) To levy a civil penalty not to exceed (A) two thousand dollars
 967 per offense against any person the commission finds to be in violation
 968 of any provision of chapter 145, part V of chapter 146, part I of chapter
 969 147, chapter 148, section 7-9, section 9-12, subsection (a) of section 9-17,
 970 section 9-19b, 9-19e, 9-19g, 9-19h, 9-19i, 9-20, 9-21, 9-23a, 9-23g, 9-23h,
 971 9-23j to 9-23o, inclusive, 9-23r, 9-26, 9-31a, 9-32, 9-35, 9-35b, 9-35c, 9-
 972 40a, 9-42, 9-43, 9-50a, 9-56, 9-59, 9-168d, 9-170, 9-171, 9-172, 9-232i to 9-
 973 232o, inclusive, 9-404a to 9-404c, inclusive, 9-409, 9-410, 9-412, 9-436, 9-
 974 436a, 9-453e to 9-453h, inclusive, 9-453k or 9-453o, or any regulation
 975 adopted pursuant to any said chapter or section, (B) two thousand
 976 dollars per offense against any town clerk, registrar of voters, an
 977 appointee or designee of a town clerk or registrar of voters, or any
 978 other election or primary official whom the commission finds to have
 979 failed to discharge a duty imposed by any provision of chapter 146 or
 980 147, (C) two thousand dollars per offense against any person the
 981 commission finds to have (i) improperly voted in any election, primary
 982 or referendum, and (ii) not been legally qualified to vote in such
 983 election, primary or referendum, [or] (D) two thousand dollars per
 984 offense or twice the amount of any improper payment or contribution,
 985 whichever is greater, against any person the commission finds to be in
 986 violation of any provision of chapter 155 [or sections 9-700 to 9-716,
 987 inclusive] or 157, or any regulation adopted pursuant to either said
 988 chapter, or (E) ten thousand dollars against any person who violates a
 989 prior order of the commission. The commission may levy a civil
 990 penalty against any person under subparagraph (A), (B), (C), [or] (D)
 991 or (E) of this subdivision only after giving the person an opportunity to
 992 be heard at a hearing conducted in accordance with sections 4-176e to
 993 4-184, inclusive. In the case of failure to pay any such penalty levied
 994 pursuant to this subsection within thirty days of written notice sent by
 995 certified or registered mail to such person, the superior court for the
 996 judicial district of Hartford, on application of the commission, may
 997 issue an order requiring such person to pay the penalty imposed and
 998 such court costs, state marshal's fees and attorney's fees incurred by
 999 the commission as the court may determine. Any civil penalties paid,
 1000 collected or recovered under subparagraph (D) of this subdivision for

1001 a violation of any provision of chapter 155 or any regulation adopted
1002 pursuant to said chapter 155 applying to the office of the Treasurer
1003 shall be deposited on a pro rata basis in any trust funds, as defined in
1004 section 3-13c, affected by such violation;

1005 (3) (A) To issue an order requiring any person the commission finds
1006 to have received any contribution or payment which is prohibited by
1007 any of the provisions of chapter 155 or 157, after an opportunity to be
1008 heard at a hearing conducted in accordance with the provisions of
1009 sections 4-176e to 4-184, inclusive, to return such contribution or
1010 payment to the donor or payor, or to remit such contribution or
1011 payment to the state for deposit in the General Fund or the Citizens'
1012 Election Fund, whichever is deemed necessary to effectuate the
1013 purposes of chapter 155 or 157, as the case may be;

1014 (B) To issue an order when the commission finds that an intentional
1015 violation of any provision of chapter 155 or 157 has been committed,
1016 after an opportunity to be heard at a hearing conducted in accordance
1017 with sections 4-176e to 4-184, inclusive, which order may contain one
1018 or more of the following sanctions: (i) Removal of a campaign
1019 treasurer, deputy campaign treasurer or solicitor; (ii) prohibition on
1020 serving as a campaign treasurer, deputy campaign treasurer or
1021 solicitor, for a period not to exceed four years; and (iii) in the case of a
1022 party committee or a political committee, suspension of all political
1023 activities, including, but not limited to, the receipt of contributions and
1024 the making of expenditures, provided the commission may not order
1025 such a suspension unless the commission has previously ordered the
1026 removal of the campaign treasurer and notifies the officers of the
1027 committee that the commission is considering such suspension;

1028 (C) To issue an order revoking any person's eligibility to be
1029 appointed or serve as an election, primary or referendum official or
1030 unofficial checker or in any capacity at the polls on the day of an
1031 election, primary or referendum, when the commission finds such
1032 person has intentionally violated any provision of the general statutes
1033 relating to the conduct of an election, primary or referendum, after an

1034 opportunity to be heard at a hearing conducted in accordance with
1035 sections 4-176e to 4-184, inclusive;

1036 (D) To issue an order to enforce the provisions of the Help America
1037 Vote Act, P.L. 107-252, as amended from time to time, as the
1038 commission deems appropriate;

1039 (E) To issue an order following the commission's determination of
1040 the right of an individual to be or remain an elector when such
1041 determination is made (i) pursuant to an appeal taken to the
1042 commission from a decision of the registrars of voters or board of
1043 admission of electors under section 9-31l, or (ii) following the
1044 commission's investigation pursuant to subdivision (1) of this
1045 subsection;

1046 (F) To issue a cease and desist order for violation of any general
1047 statute or regulation under the commission's jurisdiction and to take
1048 reasonable actions necessary to compel compliance with said general
1049 statute or regulation;

1050 (4) To issue an order to a candidate committee that receives moneys
1051 from the Citizens' Election Fund pursuant to [sections 9-700 to 9-716,
1052 inclusive] chapter 157, to comply with the provisions of [sections 9-700
1053 to 9-716, inclusive] chapter 157, after an opportunity to be heard at a
1054 hearing conducted in accordance with the provisions of sections 4-176e
1055 to 4-184, inclusive;

1056 (5) To inspect or audit at any reasonable time and upon reasonable
1057 notice the accounts or records of any campaign treasurer or principal
1058 campaign treasurer, as required by chapter 155 or 157 and to audit any
1059 such election, primary or referendum held within the state; provided,
1060 (A) (i) not later than two months preceding the day of an election at
1061 which a candidate is seeking election, the commission shall complete
1062 any audit it has initiated in the absence of a complaint that involves a
1063 committee of the same candidate from a previous election, and (ii)
1064 during the two-month period preceding the day of an election at

1065 which a candidate is seeking election, the commission shall not initiate
1066 an audit in the absence of a complaint that involves a committee of the
1067 same candidate from a previous election, and (B) the commission shall
1068 not audit any caucus, as defined in subdivision (1) of section 9-372.
1069 Nothing in this subdivision shall be construed to limit the power of the
1070 commission to conduct inspections, audits or investigations related to
1071 the Citizens' Election Program;

1072 (6) To attempt to secure voluntary compliance, by informal methods
1073 of conference, conciliation and persuasion, with any provision of
1074 [chapters] chapter 149, 151 to 153, inclusive, 155, [and] 156 or 157 or
1075 any other provision of the general statutes relating to any such
1076 election, primary or referendum;

1077 (7) To consult with the Secretary of the State, the Chief State's
1078 Attorney or the Attorney General on any matter which the commission
1079 deems appropriate;

1080 (8) To refer to the Chief State's Attorney evidence bearing upon
1081 violation of any provision of [chapters] chapter 149, 151 to 153,
1082 inclusive, 155, [and] 156 or 157 or any other provision of the general
1083 statutes pertaining to or relating to any such election, primary or
1084 referendum;

1085 (9) To refer to the Attorney General evidence for injunctive relief
1086 and any other ancillary equitable relief in the circumstances of
1087 subdivision (8) of this subsection. Nothing in this subdivision shall
1088 preclude a person who claims that he is aggrieved by a violation of any
1089 provision of chapter 152 or any other provision of the general statutes
1090 relating to referenda from pursuing injunctive and any other ancillary
1091 equitable relief directly from the Superior Court by the filing of a
1092 complaint;

1093 (10) To refer to the Attorney General evidence pertaining to any
1094 ruling which the commission finds to be in error made by election
1095 officials in connection with any election, primary or referendum. Those

1096 remedies and procedures available to parties claiming to be aggrieved
1097 under the provisions of sections 9-323, 9-324, 9-328 and 9-329a shall
1098 apply to any complaint brought by the Attorney General as a result of
1099 the provisions of this subdivision;

1100 (11) To consult with the United States Department of Justice and the
1101 United States Attorney for Connecticut on any investigation pertaining
1102 to a violation of this section, section 9-12, subsection (a) of section 9-17
1103 or section 9-19b, 9-19e, 9-19g, 9-19h, 9-19i, 9-20, 9-21, 9-23a, 9-23g, 9-
1104 23h, 9-23j to 9-23o, inclusive, 9-26, 9-31a, 9-32, 9-35, 9-35b, 9-35c, 9-40a,
1105 9-42, 9-43, 9-50a, 9-56 or 9-59 and to refer to said department and
1106 attorney evidence bearing upon any such violation for prosecution
1107 under the provisions of the National Voter Registration Act of 1993,
1108 P.L. 103-31, as amended from time to time;

1109 (12) To inspect reports filed with [the Secretary of the State and
1110 with] town clerks pursuant to chapter 155 and refer to the Chief State's
1111 Attorney evidence bearing upon any violation of law therein if such
1112 violation was committed knowingly and wilfully;

1113 (13) To intervene in any action brought pursuant to the provisions
1114 of sections 9-323, 9-324, 9-328 and 9-329a upon application to the court
1115 in which such action is brought when in the opinion of the court it is
1116 necessary to preserve evidence of possible criminal violation of the
1117 election laws;

1118 (14) To adopt and publish regulations pursuant to chapter 54 to
1119 carry out the provisions of section 9-7a, this section, [chapter 155 and
1120 sections 9-700 to 9-716, inclusive] chapters 155 and 157; to issue upon
1121 request and publish advisory opinions in the Connecticut Law Journal
1122 upon the requirements of [chapter 155] chapters 155 and 157, and to
1123 make recommendations to the General Assembly concerning
1124 suggested revisions of the election laws;

1125 (15) To the extent that the Elections Enforcement Commission is
1126 involved in the investigation of alleged or suspected criminal

1127 violations of any provision of the general statutes pertaining to or
1128 relating to any such election, primary or referendum and is engaged in
1129 such investigation for the purpose of presenting evidence to the Chief
1130 State's Attorney, the Elections Enforcement Commission shall be
1131 deemed a law enforcement agency for purposes of subdivision (3) of
1132 subsection (b) of section 1-210, provided nothing in this section shall be
1133 construed to exempt the Elections Enforcement Commission in any
1134 other respect from the requirements of the Freedom of Information
1135 Act, as defined in section 1-200;

1136 (16) To enter into such contractual agreements as may be necessary
1137 for the discharge of its duties, within the limits of its appropriated
1138 funds and in accordance with established procedures;

1139 (17) To provide the Secretary of the State with notice and copies of
1140 all decisions rendered by the commission in contested cases, advisory
1141 opinions and declaratory judgments, at the time such decisions,
1142 judgments and opinions are made or issued;

1143 (18) To receive and determine complaints filed under the Help
1144 America Vote Act, P.L. 107-252, as amended from time to time, by any
1145 person who believes there is a violation of any provision of Title III of
1146 P.L. 107-252, as amended. Any complaint filed under this subdivision
1147 shall be in writing, notarized and signed and sworn by the person
1148 filing the complaint. At the request of the complainant, there shall be a
1149 hearing on the record, conducted in accordance with sections 4-167e to
1150 4-184, inclusive. The commission shall make a final determination with
1151 respect to a complaint prior to the expiration of the ninety-day period
1152 beginning on the date the complaint is filed, unless the complainant
1153 consents to a longer period for making such determination. If the
1154 commission fails to meet the applicable deadline under this
1155 subdivision with respect to a complaint, the commission shall resolve
1156 the complaint within sixty days after the expiration of such ninety-day
1157 period under an alternative dispute resolution procedure established
1158 by the commission.

1159 (b) In the case of a refusal to comply with an order of the
1160 commission issued pursuant to subdivision (3) or (4) of subsection (a)
1161 of this section, the superior court for the judicial district of Hartford,
1162 on application of the commission, may issue a further order to comply.
1163 Failure to obey such further order may be punished by the court as a
1164 contempt thereof.

1165 Sec. 28. Subsection (d) of section 9-604 of the general statutes is
1166 repealed and the following is substituted in lieu thereof (*Effective from*
1167 *passage*):

1168 (d) A slate of candidates in a primary for the office of justice of the
1169 peace shall designate a chairperson to form a single political committee
1170 to comply with the requirements of section 9-605, except [(1)] if the
1171 individuals on the slate unanimously consent to have their campaign
1172 financed solely by a town committee and such committee consents to
1173 such financing by filing a statement of consent with [both the Secretary
1174 of the State and] the town clerk of the municipality in which the
1175 primary is to be held. [, or (2) in the case of a primary for convention
1176 delegates to a United States senatorial or congressional district
1177 convention, the candidate on whose behalf the slate is committed has
1178 filed a registration of a committee with the Federal Election
1179 Commission, and that committee is solely financing the primary
1180 campaign for said delegates.]

1181 Sec. 29. Subsection (b) of section 9-605 of the general statutes is
1182 repealed and the following is substituted in lieu thereof (*Effective from*
1183 *passage*):

1184 (b) The statement shall be complete, filed under penalty of false
1185 statement and include: (1) The name and address of the committee; (2)
1186 a statement of the purpose of the committee; (3) the name, [and]
1187 address and telephone number of its campaign treasurer, and deputy
1188 campaign treasurer if applicable; (4) the name, address, telephone
1189 number and position of its chairman, and other principal officers if
1190 applicable, including the individuals who control the committee; (5)

1191 the name and address of the depository institution for its funds; [(6)
 1192 the name of each person, other than an individual, that is a member of
 1193 the committee; (7)] (6) the name and party affiliation of each candidate
 1194 whom the committee is supporting and the office or position sought by
 1195 each candidate; [(8)] (7) if the committee is supporting [the entire ticket
 1196 of any party] a slate of candidates, a statement to that effect and the
 1197 [name of the party] names of the candidates, the offices or positions
 1198 sought and their party affiliation; [(9)] (8) if the committee is
 1199 supporting or opposing any referendum question, the position taken
 1200 by the committee on such question and a brief statement identifying
 1201 the substance of the question; [(10)] (9) if the committee is established
 1202 by a business entity, [or organization] labor union or membership
 1203 association, the name and address of the entity [or organization] union
 1204 or association; [(11)] (10) if the committee is established by [an
 1205 organization] a labor union or other membership organization,
 1206 whether it will receive its funds from the union or organization's
 1207 treasury or from voluntary contributions; [(12)] (11) if the committee
 1208 files reports with the Federal Elections Commission or any out-of-state
 1209 agency, a statement to that effect including the name of the agency;
 1210 [(13)] (12) a statement indicating whether the committee is established
 1211 for a single primary, election or referendum or for ongoing political
 1212 activities; [(14)] (13) if the committee is formed for ongoing political
 1213 activities, the types of elections that it is authorized to make
 1214 contributions to, or expenditures for; (14) if the committee is
 1215 established or controlled by [or on behalf of] a lobbyist or a member of
 1216 the immediate family of a lobbyist, a statement to that effect and the
 1217 name of the lobbyist; [and] (15) if the committee is established or
 1218 controlled by a state contractor, prospective state contractor or
 1219 principal of a state contractor, as defined in subdivision (1) of
 1220 subsection (g) of section 9-612, a statement to that effect and the name
 1221 of the state contractor, prospective state contractor or principal of such
 1222 state contractor; (16) if the committee is established by an investment
 1223 services firm, as defined in subsection (f) of section 9-612, or a principal
 1224 of such an investment services firm, the name of such investment
 1225 services firm or principal, as applicable; (17) if the committee is

1226 established or controlled by an elected state-wide official or member of
1227 the General Assembly, or an agent of such official or member, a
1228 statement to that effect, and the name of the official or member; (18) if
1229 the committee is established for a senatorial or assembly district, a
1230 statement to that effect; (19) if the committee is a legislative caucus or
1231 legislative leadership committee, a statement to that effect and the
1232 name of the caucus or legislative leader establishing such committee;
1233 and (20) the name and address of the person making the initial
1234 contribution or disbursement, if any, to the committee. If no such
1235 contribution or disbursement has been made at the time of the filing of
1236 such statement, the campaign treasurer of the committee shall, not
1237 later than forty-eight hours after receipt of such contribution or
1238 disbursement, file a report with the State Elections Enforcement
1239 Commission. The report shall be in the same form as statements filed
1240 under section 9-608.

1241 Sec. 30. Subsections (e) and (f) of section 9-610 of the general statutes
1242 are repealed and the following is substituted in lieu thereof (*Effective*
1243 *from passage*):

1244 (e) For purposes of this subsection and subsection (f) of this section,
1245 the exclusions to the term "contribution" in subsection (b) of section 9-
1246 601a shall not apply; the term "state office" means the office of
1247 Governor, Lieutenant Governor, Attorney General, State Comptroller,
1248 State Treasurer or Secretary of the State; and the term "state officer"
1249 means the Governor, Lieutenant Governor, Attorney General, State
1250 Comptroller, State Treasurer or Secretary of the State. Notwithstanding
1251 any provision of this chapter to the contrary, during any regular
1252 session of the General Assembly, during any special session of the
1253 General Assembly held between the adjournment of the regular
1254 session in an odd-numbered year and the convening of the regular
1255 session in the following even-numbered year or during any
1256 reconvened session of the General Assembly held in an odd-numbered
1257 year to reconsider vetoed bills, (1) no lobbyist or political committee
1258 established by or on behalf of a lobbyist shall make or offer to make a

1259 contribution to or on behalf of, and no lobbyist shall solicit a
1260 contribution on behalf of, (A) a candidate or exploratory committee
1261 established by a candidate for nomination or election to the General
1262 Assembly or a state office or (B) a political committee (i) established for
1263 an assembly or senatorial district, (ii) established by a member of the
1264 General Assembly or a state officer or such member or officer's agent,
1265 or in consultation with, or at the request or suggestion of, any such
1266 member, officer or agent, or (iii) controlled by such member, officer or
1267 agent, to aid or promote the nomination or election of any candidate or
1268 candidates to the General Assembly or a state office, and (2) no such
1269 candidate or political committee shall accept such a contribution. The
1270 provisions of this subsection shall not apply to a candidate committee
1271 established by a member of the General Assembly or a candidate for
1272 nomination or election to the General Assembly, at a special election
1273 for the General Assembly, from the date on which the candidate or the
1274 chairman of the committee files the designation of a campaign
1275 treasurer and a depository institution under section 9-602 with the
1276 [Secretary of the State] State Elections Enforcement Commission, to the
1277 date on which the special election is held, inclusive, or to an
1278 exploratory committee established by a member of the General
1279 Assembly to promote his candidacy for an office other than the
1280 General Assembly.

1281 (f) A political committee established by two or more individuals
1282 under subparagraph (B) of subsection (3) of section 9-601, other than a
1283 committee established solely for the purpose of aiding or promoting
1284 any candidate or candidates for municipal office or the success or
1285 defeat of a referendum question, shall be subject to the prohibition on
1286 acceptance of lobbyist contributions under subsection (e) of this section
1287 unless the campaign treasurer of the committee has filed a certification
1288 that the committee is not established for an assembly or senatorial
1289 district, or by a member of the General Assembly or a state officer, or
1290 such member or officer's agent, or in consultation with, or at the
1291 request or suggestion of, any such member, officer or agent, or
1292 controlled by such member, officer or agent. The campaign treasurer of

any political committee established by or on behalf of a lobbyist shall file a certification to that effect. Such certifications shall be filed with the [office of the Secretary of the State] State Elections Enforcement Commission, on forms prescribed by the [secretary] commission, on or before November 15, [1994] 2008, for all such political committees in existence on such date, or upon the registration of the committee, and on or before November fifteenth biennially thereafter. [The secretary shall provide to the State Elections Enforcement Commission on or before December 1, 1994, and biennially thereafter, a political committee registration report. The report shall include a certified copy of each certification filed pursuant to this subsection prior to December first of the reporting year and a certified copy of a list stating the name of each political committee registered pursuant to section 9-605 prior to December first of the reporting year and the name and address of the campaign treasurer of each such committee. In the case of any political committee which registers or files a certification on or after December first of any even-numbered year but prior to November first of the following even-numbered year, the secretary shall provide the commission with a copy of each such registration or certification by the close of the next business day following receipt. Such registration information or certification shall also be included in the biennial political committee registration report of the secretary to the commission.] The commission shall prepare a list of all such committees subject to the prohibitions under subsection (e) of this section, according to the certifications filed, which shall be available prior to the opening of each regular session of the General Assembly, and shall provide a copy of the list to the president pro tempore of the Senate, the speaker of the House of Representatives, the minority leader of the Senate, the minority leader of the House of Representatives and each state officer. During each such regular session, the commission shall prepare a supplemental list of committees which register after November fifteenth and are subject to such prohibitions, and the commission shall provide the supplemental list to such legislative leaders and state officers. The filing of the certification by the campaign treasurer of the committee shall not

1328 impair the authority of the commission to act under section 9-7b. Any
1329 lobbyist or campaign treasurer who acts in reliance on such lists in
1330 good faith shall have an absolute defense in any action brought under
1331 subsection (e) and this subsection, subsection (c) of section 9-604, and
1332 subsection (f) of section 9-608.

1333 Sec. 31. Subsections (e) and (f) of section 9-610 of the general
1334 statutes, as amended by section 25 of public act 06-137, are repealed
1335 and the following is substituted in lieu thereof (*Effective October 1,*
1336 *2007*):

1337 (e) For purposes of this subsection and subsection (f) of this section,
1338 the exclusions to the term "contribution" in subsection (b) of section 9-
1339 601a shall not apply; the term "state office" means the office of
1340 Governor, Lieutenant Governor, Attorney General, State Comptroller,
1341 State Treasurer or Secretary of the State; and the term "state officer"
1342 means the Governor, Lieutenant Governor, Attorney General, State
1343 Comptroller, State Treasurer or Secretary of the State. Notwithstanding
1344 any provision of this chapter to the contrary, during any regular
1345 session of the General Assembly, during any special session of the
1346 General Assembly held between the adjournment of the regular
1347 session in an odd-numbered year and the convening of the regular
1348 session in the following even-numbered year or during any
1349 reconvened session of the General Assembly held in an odd-numbered
1350 year to reconsider vetoed bills, (1) no lobbyist or political committee
1351 established by or on behalf of a lobbyist shall make or offer to make a
1352 contribution to or on behalf of, and no lobbyist shall solicit a
1353 contribution on behalf of, (A) a candidate or exploratory committee
1354 established by a candidate for nomination or election to the General
1355 Assembly or a state office or (B) a political committee (i) established for
1356 an assembly or senatorial district, (ii) established by a member of the
1357 General Assembly or a state officer or such member or officer's agent,
1358 or in consultation with, or at the request or suggestion of, any such
1359 member, officer or agent, or (iii) controlled by such member, officer or
1360 agent, to aid or promote the nomination or election of any candidate or

1361 candidates to the General Assembly or a state office, and (2) no such
 1362 candidate or political committee shall accept such a contribution. The
 1363 provisions of this subsection shall not apply to a candidate committee
 1364 established by a member of the General Assembly or a candidate for
 1365 nomination or election to the General Assembly, at a special election
 1366 for the General Assembly, from the date on which the candidate or the
 1367 chairman of the committee files the designation of a campaign
 1368 treasurer and a depository institution under section 9-602 with the
 1369 [Secretary of the State] State Elections Enforcement Commission, to the
 1370 date on which the special election is held, inclusive, or to an
 1371 exploratory committee established by a member of the General
 1372 Assembly to promote his candidacy for an office other than the
 1373 General Assembly.

1374 (f) A political committee established by two or more individuals
 1375 under subparagraph (B) of subsection (3) of section 9-601, other than a
 1376 committee established solely for the purpose of aiding or promoting
 1377 any candidate or candidates for municipal office or the success or
 1378 defeat of a referendum question, shall be subject to the prohibition on
 1379 acceptance of lobbyist contributions under subsection (e) of this section
 1380 unless the campaign treasurer of the committee has filed a certification
 1381 that the committee is not established for an assembly or senatorial
 1382 district, or by a member of the General Assembly or a state officer, or
 1383 such member or officer's agent, or in consultation with, or at the
 1384 request or suggestion of, any such member, officer or agent, or
 1385 controlled by such member, officer or agent. The campaign treasurer of
 1386 any political committee established by or on behalf of a lobbyist shall
 1387 file a certification to that effect. Such certifications shall be filed with
 1388 the [office of the Secretary of the State] State Elections Enforcement
 1389 Commission, on forms prescribed by the [secretary] commission, on or
 1390 before November 15, [1994] 2008, for all such political committees in
 1391 existence on such date, or upon the registration of the committee, and
 1392 on or before November fifteenth biennially thereafter. [The secretary
 1393 shall provide to the State Elections Enforcement Commission on or
 1394 before December 1, 1994, and biennially thereafter, a political

1395 committee registration report. The report shall include a certified copy
1396 of each certification filed pursuant to this subsection prior to December
1397 first of the reporting year and a certified copy of a list stating the name
1398 of each political committee registered pursuant to section 9-605 prior to
1399 December first of the reporting year and the name and address of the
1400 campaign treasurer of each such committee. In the case of any political
1401 committee which registers or files a certification on or after December
1402 first of any even-numbered year but prior to November first of the
1403 following even-numbered year, the secretary shall provide the
1404 commission with a copy of each such registration or certification by the
1405 close of the next business day following receipt. Such registration
1406 information or certification shall also be included in the biennial
1407 political committee registration report of the secretary to the
1408 commission.] The commission shall prepare a list of all such
1409 committees subject to the prohibitions under subsection (e) of this
1410 section, according to the certifications filed, which shall be available
1411 prior to the opening of each regular session of the General Assembly,
1412 and shall provide a copy of the list to the president pro tempore of the
1413 Senate, the speaker of the House of Representatives, the minority
1414 leader of the Senate, the minority leader of the House of
1415 Representatives and each state officer. During each such regular
1416 session, the commission shall prepare a supplemental list of
1417 committees which register after November fifteenth and are subject to
1418 such prohibitions, and the commission shall provide the supplemental
1419 list to such legislative leaders and state officers. The filing of the
1420 certification by the campaign treasurer of the committee shall not
1421 impair the authority of the commission to act under section 9-7b. Any
1422 lobbyist or campaign treasurer who acts in reliance on such lists in
1423 good faith shall have an absolute defense in any action brought under
1424 subsection (e) and this subsection, subsection (c) of section 9-604, and
1425 subsection (f) of section 9-608.

1426 Sec. 32. Section 9-372 of the general statutes is repealed and the
1427 following is substituted in lieu thereof (*Effective from passage*):

1428 The following terms, as used in this chapter, chapter 157 and
1429 sections 9-51 to 9-67, inclusive, 9-169e, 9-217, 9-236 and 9-361, shall
1430 have the following meanings:

1431 (1) "Caucus" means any meeting, at a designated hour and place, or
1432 at designated hours and places, of the enrolled members of a political
1433 party within a municipality or political subdivision thereof for the
1434 purpose of selecting party-endorsed candidates for a primary to be
1435 held by such party or for the purpose of transacting other business of
1436 such party;

1437 (2) "Convention" means a meeting of delegates of a political party
1438 held for the purpose of designating the candidate or candidates to be
1439 endorsed by such party in a primary of such party for state or district
1440 office or for the purpose of transacting other business of such party;

1441 (3) "District" means any geographic portion of the state which
1442 crosses the boundary or boundaries between two or more towns;

1443 (4) "District office" means an elective office for which only the
1444 electors in a district, as defined in subdivision (3) of this section, may
1445 vote;

1446 (5) "Major party" means (A) a political party or organization whose
1447 candidate for Governor at the last-preceding election for Governor
1448 received, under the designation of that political party or organization,
1449 at least twenty per cent of the whole number of votes cast for all
1450 candidates for Governor, or (B) a political party having, at the last-
1451 preceding election for Governor, a number of enrolled members on the
1452 active registry list equal to at least twenty per cent of the total number
1453 of enrolled members of all political parties on the active registry list in
1454 the state;

1455 (6) "Minor party" means a political party or organization which is
1456 not a major party and whose candidate for the office in question
1457 received at the last-preceding regular election for such office, under the
1458 designation of that political party or organization, at least one per cent

1459 of the whole number of votes cast for all candidates for such office at
1460 such election;

1461 (7) "Municipal office" means an elective office for which only the
1462 electors of a single town, city, borough, or political subdivision, as
1463 defined in subdivision (10) of this section, may vote, including the
1464 office of justice of the peace;

1465 (8) "Party designation committee" means an organization, composed
1466 of at least twenty-five members who are electors, which has, on or after
1467 November 4, 1981, reserved a party designation with the Secretary of
1468 the State pursuant to the provisions of this chapter;

1469 (9) "Party-endorsed candidate" means (A) in the case of a candidate
1470 for state or district office, a person endorsed by the convention of a
1471 political party as a candidate in a primary to be held by such party,
1472 and (B) in the case of a candidate for municipal office or for member of
1473 a town committee, a person endorsed by the town committee, caucus
1474 or convention, as the case may be, of a political party as a candidate in
1475 a primary to be held by such party;

1476 (10) "Political subdivision" means any voting district or combination
1477 of voting districts constituting a part of a municipality;

1478 (11) "Primary" means a meeting of the enrolled members of a
1479 political party and, when applicable under section 9-431, unaffiliated
1480 electors, held during consecutive hours at which such members or
1481 electors may, without assembling at the same hour, vote by secret
1482 ballot for candidates for nomination to office or for town committee
1483 members;

1484 (12) "Registrar" means the registrar of voters in a municipality who
1485 is enrolled with the political party holding a primary and, in each
1486 municipality where there are different registrars for different voting
1487 districts, means the registrar so enrolled in the voting district in which,
1488 at the last-preceding regular election, the presiding officer for the
1489 purpose of declaring the result of the vote of the whole municipality

1490 was moderator;

1491 (13) "Slate" means a group of candidates for nomination by a
1492 political party to the office of justice of the peace of a town, which
1493 group numbers at least a bare majority of the number of justices of the
1494 peace to be nominated by such party for such town;

1495 (14) "State office" means any office for which all the electors of the
1496 state may vote and includes the office of Governor, Lieutenant
1497 Governor, Secretary, Treasurer, Comptroller, Attorney General and
1498 senator in Congress, but does not include the office of elector of
1499 President and Vice-President of the United States;

1500 (15) "Votes cast for the same office at the last-preceding election" or
1501 "votes cast for all candidates for such office at the last-preceding
1502 election" means, in the case of multiple openings for the same office,
1503 the total number of electors checked as having voted at the last-
1504 preceding election at which such office appeared on the ballot label.

1505 Sec. 33. Subsection (b) of section 9-675 of the general statutes is
1506 repealed and the following is substituted in lieu thereof (*Effective from*
1507 *passage*):

1508 (b) The campaign treasurer of the candidate committee for each
1509 candidate for nomination or election to the office of Governor,
1510 Lieutenant Governor, Attorney General, State Comptroller, State
1511 Treasurer, [or] Secretary of the State, state senator or state
1512 representative who raises or spends [two hundred fifty] five thousand
1513 dollars or more during an election campaign shall file in electronic
1514 form all financial disclosure statements required by section 9-608 by
1515 either transmitting disks, tapes or other electronic storage media
1516 containing the contents of such statements to the State Elections
1517 Enforcement Commission or transmitting the statements on-line to
1518 said commission. Each such campaign treasurer shall use either (1) a
1519 software program created by the commission under subdivision (1) of
1520 subsection (a) of this section, for all such statements, or (2) another

1521 software program which provides for the standard reporting format,
1522 and complies with the specifications, which are prescribed by the
1523 commission under subdivision (2) of subsection (a) of this section, for
1524 all such statements. The commission shall accept any statement that
1525 uses any such software program. Once any such candidate committee
1526 has raised or spent [two hundred fifty] five thousand dollars or more
1527 during an election campaign, all previously filed statements required
1528 by said section 9-608, which were not filed in electronic form shall be
1529 refiled in such form, using such a software program, not later than the
1530 date on which the campaign treasurer of the committee is required to
1531 file the next regular statement under said section 9-608.

1532 Sec. 34. Subsection (b) and (c) of section 9-702 of the general statutes
1533 are repealed and the following is substituted in lieu thereof (*Effective*
1534 *from passage*):

1535 (b) Any such candidate committee is eligible to receive such grants
1536 for a primary campaign, if applicable, and a general election campaign
1537 if (1) the candidate certifies as a participating candidate under section
1538 9-703, (2) the candidate's candidate committee receives the required
1539 amount of qualifying contributions under section 9-704, (3) the
1540 candidate's candidate committee returns, or transmits to the State
1541 Elections Enforcement Commission for deposit in the Citizens' Election
1542 Fund, all contributions that do not meet the criteria for qualifying
1543 contributions under section 9-704, (4) the candidate agrees to limit the
1544 campaign expenditures of the candidate's candidate committee in
1545 accordance with the provisions of subsection (c) of this section, and (5)
1546 the candidate submits an application and the commission approves the
1547 application in accordance with the provisions of section 9-706.

1548 (c) A candidate participating in the Citizens' Election Program shall
1549 limit the expenditures of the candidate's candidate committee (A)
1550 before a primary campaign and a general election campaign, to the
1551 amount of qualifying contributions permitted in section 9-705 and any
1552 personal funds provided by the candidate under subsection (c) of
1553 section 9-710, (B) for a primary campaign, to the sum of (i) the amount

1554 of such qualifying contributions and personal funds that have not been
1555 spent before the primary campaign, (ii) the amount of the grant for the
1556 primary campaign authorized under section 9-705, and (iii) the amount
1557 of any additional moneys for the primary campaign authorized under
1558 section 9-713 or 9-714, and (C) for a general election campaign, to the
1559 sum of (i) the amount of such qualifying contributions and personal
1560 funds that have not been spent before the general election campaign,
1561 (ii) any unexpended funds from any grant for a primary campaign
1562 authorized under section 9-705 or from any additional moneys for a
1563 primary campaign authorized under section 9-713 or 9-714, (iii) the
1564 amount of the grant for the general election campaign authorized
1565 under section 9-705, and (iv) the amount of any additional moneys for
1566 the general election campaign authorized under section 9-713 or 9-714.
1567 The candidate committee of a minor or petitioning party candidate
1568 who has received a general election campaign grant from the fund
1569 pursuant to section 9-705 shall be permitted to receive contributions in
1570 addition to the qualifying contributions subject to the limitations and
1571 restrictions applicable to participating candidates for the same office,
1572 provided such minor or petitioning party candidate shall limit the
1573 expenditures of the candidate committee for a general election
1574 campaign to the sum of the qualifying contributions and personal
1575 funds, the amount of the general election campaign grant received and
1576 the amount raised in additional contributions that is equivalent to the
1577 difference between the amount of the applicable general election
1578 campaign grant for a major party candidate for such office and the
1579 amount of the general election campaign grant received by such minor
1580 or petitioning party candidate.

1581 Sec. 35. Section 9-703 of the general statutes is repealed and the
1582 following is substituted in lieu thereof (*Effective from passage*):

1583 (a) Each candidate for nomination or election to the office of state
1584 senator or state representative in 2008, or thereafter, or the office of
1585 Governor, Lieutenant Governor, Attorney General, State Comptroller,
1586 Secretary of the State or State Treasurer in 2010, or thereafter, shall file

1587 an affidavit with the State Elections Enforcement Commission. The
1588 affidavit shall include a written certification that the candidate either
1589 intends to abide by the expenditure limits under the Citizens' Election
1590 Program set forth in subsection (c) of section 9-702, as amended by this
1591 act, or does not intend to abide by said limits. If the candidate intends
1592 to abide by said limits, the affidavit shall also include written
1593 certifications (1) that the campaign treasurer of the candidate
1594 committee for said candidate shall expend any moneys received from
1595 the Citizens' Election Fund in accordance with the provisions of
1596 subsection (g) of section 9-607 and regulations adopted by the State
1597 Elections Enforcement Commission under subsection (e) of section 9-
1598 706, as amended by this act, (2) that the candidate shall repay to the
1599 fund any such moneys that are not expended in accordance with
1600 subsection (g) of said section 9-607 and said regulations, (3) that the
1601 candidate and the campaign treasurer shall comply with the
1602 provisions of subdivision (1) of subsection (a) of section 9-711, and (4)
1603 stating the candidate's status as a major party, minor party or
1604 petitioning party candidate and, in the case of a major party or minor
1605 party candidate, the name of such party. The written certification
1606 described in subdivision (3) of this subsection shall be made by both
1607 the candidate and the campaign treasurer of the candidate committee
1608 for said candidate. A candidate for nomination or election to any such
1609 office shall file such affidavit not later than four o'clock p.m. on the
1610 [twenty-fifth] fiftieth day before the day of a primary, if applicable, or
1611 on the [fortieth] sixtieth day before the day of the election for such
1612 office, except that in the case of a special election for the office of state
1613 senator or state representative, the candidate shall file such affidavit
1614 not later than four o'clock p.m. on the twenty-fifth day before the day
1615 of such special election.

1616 (b) A candidate who so certifies the candidate's intent to abide by
1617 the expenditure limits under the Citizens' Election Program set forth in
1618 subsection (c) of section 9-702, as amended by this act, shall be referred
1619 to in sections 9-700 to 9-716, inclusive, as a "participating candidate"
1620 and a candidate who so certifies the candidate's intent to not abide by

1621 said limits shall be referred to in sections 9-700 to 9-716, inclusive, as a
1622 "nonparticipating candidate". The commission shall prepare a list of
1623 the participating candidates and a list of the nonparticipating
1624 candidates and shall make such lists available for public inspection.

1625 (c) A participating candidate may withdraw from participation in
1626 the Citizens' Election Program before applying for an initial grant
1627 under section 9-706, as amended by this act, by filing an affidavit with
1628 the State Elections Enforcement Commission, which includes a written
1629 certification of such withdrawal. A candidate who files such an
1630 affidavit shall be deemed to be a nonparticipating candidate for the
1631 purposes of sections 9-700 to 9-716, inclusive, and shall not be
1632 penalized for such withdrawal. No participating candidate shall
1633 withdraw from participation in the Citizens' Election Program after
1634 applying for an initial grant under section 9-706, as amended by this
1635 act.

1636 Sec. 36. Section 9-704 of the general statutes is repealed and the
1637 following is substituted in lieu thereof (*Effective from passage*):

1638 (a) The amount of qualifying contributions that the candidate
1639 committee of a candidate shall be required to receive in order to be
1640 eligible for grants from the Citizens' Election Fund shall be:

1641 (1) In the case of a candidate for nomination or election to the office
1642 of Governor, contributions from individuals in the aggregate amount
1643 of two hundred fifty thousand dollars, of which two hundred twenty-
1644 five thousand dollars or more is contributed by individuals residing in
1645 the state. The provisions of this subdivision shall be subject to the
1646 following: (A) The candidate committee shall return, or transmit to the
1647 State Elections Enforcement Commission for deposit in the Citizens'
1648 Election Fund, the portion of any contribution or contributions from
1649 any individual, including said candidate, that exceeds one hundred
1650 dollars, and such excess portion shall not be considered in calculating
1651 such amounts, and (B) all contributions received by (i) an exploratory
1652 committee established by said candidate, or (ii) an exploratory

1653 committee or candidate committee of a candidate for the office of
1654 Lieutenant Governor who is deemed to be jointly campaigning with a
1655 candidate for nomination or election to the office of Governor under
1656 subsection (a) of section 9-709, which meet the criteria for qualifying
1657 contributions to candidate committees under this section shall be
1658 considered in calculating such amounts; and

1659 (2) In the case of a candidate for nomination or election to the office
1660 of Lieutenant Governor, Attorney General, State Comptroller, State
1661 Treasurer or Secretary of the State, contributions from individuals in
1662 the aggregate amount of seventy-five thousand dollars, of which sixty-
1663 seven thousand five hundred dollars or more is contributed by
1664 individuals residing in the state. The provisions of this subdivision
1665 shall be subject to the following: (A) The candidate committee shall
1666 return, or transmit to the State Elections Enforcement Commission for
1667 deposit in the Citizens' Election Fund, the portion of any contribution
1668 or contributions from any individual, including said candidate, that
1669 exceeds one hundred dollars, and such excess portion shall not be
1670 considered in calculating such amounts, and (B) all contributions
1671 received by an exploratory committee established by said candidate
1672 that meet the criteria for qualifying contributions to candidate
1673 committees under this section shall be considered in calculating such
1674 amounts.

1675 (3) In the case of a candidate for nomination or election to the office
1676 of state senator for a district, contributions from individuals in the
1677 aggregate amount of fifteen thousand dollars, including contributions
1678 from at least three hundred individuals residing in municipalities
1679 included, in whole or in part, in said district. The provisions of this
1680 subdivision shall be subject to the following: (A) The candidate
1681 committee shall return, or transmit to the State Elections Enforcement
1682 Commission for deposit in the Citizens' Election Fund, the portion of
1683 any contribution or contributions from any individual, including said
1684 candidate, that exceeds one hundred dollars, and such excess portion
1685 shall not be considered in calculating the aggregate contribution

1686 amount under this subdivision, (B) no contribution shall be counted
1687 for the purposes of the requirement under this subdivision for
1688 contributions from at least three hundred individuals residing in
1689 municipalities included, in whole or in part, in the district unless the
1690 contribution is five dollars or more, and (C) all contributions received
1691 by an exploratory committee established by said candidate that meet
1692 the criteria for qualifying contributions to candidate committees under
1693 this section shall be considered in calculating the aggregate
1694 contribution amount under this subdivision and all such exploratory
1695 committee contributions that also meet the requirement under this
1696 subdivision for contributions from at least three hundred individuals
1697 residing in municipalities included, in whole or in part, in the district
1698 shall be counted for the purposes of said requirement.

1699 (4) In the case of a candidate for nomination or election to the office
1700 of state representative for a district, contributions from individuals in
1701 the aggregate amount of five thousand dollars, including contributions
1702 from at least one hundred fifty individuals residing in municipalities
1703 included, in whole or in part, in said district. The provisions of this
1704 subdivision shall be subject to the following: (A) The candidate
1705 committee shall return, or transmit to the State Elections Enforcement
1706 Commission for deposit in the Citizens' Election Fund, the portion of
1707 any contribution or contributions from any individual, including said
1708 candidate, that exceeds one hundred dollars, and such excess portion
1709 shall not be considered in calculating the aggregate contribution
1710 amount under this subdivision, (B) no contribution shall be counted
1711 for the purposes of the requirement under this subdivision for
1712 contributions from at least one hundred fifty individuals residing in
1713 municipalities included, in whole or in part, in the district unless the
1714 contribution is five dollars or more, and (C) all contributions received
1715 by an exploratory committee established by said candidate that meet
1716 the criteria for qualifying contributions to candidate committees under
1717 this section shall be considered in calculating the aggregate
1718 contribution amount under this subdivision and all such exploratory
1719 committee contributions that also meet the requirement under this

1720 subdivision for contributions from at least one hundred fifty
1721 individuals residing in municipalities included, in whole or in part, in
1722 the district shall be counted for the purposes of said requirement.

1723 (5) Notwithstanding the provisions of subdivisions (3) and (4) of
1724 this subsection, in the case of a special election for the office of state
1725 senator or state representative for a district, (A) the aggregate amount
1726 of qualifying contributions that the candidate committee of a candidate
1727 for such office shall be required to receive in order to be eligible for a
1728 grant from the Citizens' Election Fund shall be seventy-five per cent or
1729 more of the corresponding amount required under the applicable said
1730 subdivision (3) or (4), and (B) the number of contributions required
1731 from individuals residing in municipalities included, in whole or in
1732 part, in said district shall be seventy-five per cent or more of the
1733 corresponding number required under the applicable said subdivision
1734 (3) or (4).

1735 (b) Each individual who makes a contribution of more than fifty
1736 dollars to a candidate committee established to aid or promote the
1737 success of a participating candidate for nomination or election shall
1738 include with the contribution a certification that the individual is not a
1739 communicator lobbyist, a member of the immediate family of a
1740 communicator lobbyist or a principal of a state contractor or
1741 prospective state contractor.

1742 (c) The following shall not be deemed to be qualifying contributions
1743 under subsection (a) of this section and shall be returned by the
1744 campaign treasurer of the candidate committee to the contributor or
1745 transmitted to the State Elections Enforcement Commission for deposit
1746 in the Citizens' Election Fund:

1747 (1) A contribution from a communicator lobbyist or a member of the
1748 immediate family of a communicator lobbyist;

1749 (2) A contribution from a principal of a state contractor or
1750 prospective state contractor;

1751 (3) A contribution [of five dollars or more from an individual who
1752 does not provide the full name and complete address of the
1753 individual] that is not documented with a signed contribution
1754 certification document, as required pursuant to subsection (c) of
1755 section 9-706, as amended by this act; and

1756 (4) A contribution under subdivision (1) or (2) of subsection (a) of
1757 this section from an individual who does not reside in the state, in
1758 excess of the applicable limit on contributions from out-of-state
1759 individuals in subsection (a) of this section.

1760 (d) After a candidate committee receives the applicable aggregate
1761 amount of qualifying contributions under subsection (a) of this section,
1762 the candidate committee shall transmit any additional contributions
1763 that it receives to the State Treasurer for deposit in the Citizens'
1764 Election Fund.

1765 (e) As used in this section, (1) "communicator lobbyist" has the same
1766 meaning as provided in section 1-91, (2) "immediate family" means the
1767 spouse or a dependent child of an individual, and (3) "principal of a
1768 state contractor or prospective state contractor" has the same meaning
1769 as provided in subsection (g) of section 9-612.

1770 Sec. 37. Section 9-706 of the general statutes is repealed and the
1771 following is substituted in lieu thereof (*Effective from passage*):

1772 (a) (1) A participating candidate for nomination to the office of state
1773 senator or state representative in 2008, or thereafter, or the office of
1774 Governor, Lieutenant Governor, Attorney General, State Comptroller,
1775 Secretary of the State or State Treasurer in 2010, or thereafter, may
1776 apply to the State Elections Enforcement Commission for a grant from
1777 the fund under the Citizens' Election Program for a primary campaign,
1778 after the close of the state convention of the candidate's party that is
1779 called for the purpose of choosing candidates for nomination for the
1780 office that the candidate is seeking, if a primary is required under
1781 chapter 153, and (A) said party endorses the candidate for the office

1782 that the candidate is seeking, (B) the candidate is seeking nomination
1783 to the office of Governor, Lieutenant Governor, Attorney General,
1784 State Comptroller, State Treasurer or Secretary of the State or the
1785 district office of state senator or state representative and receives at
1786 least fifteen per cent of the votes of the convention delegates present
1787 and voting on any roll-call vote taken on the endorsement or proposed
1788 endorsement of a candidate for the office the candidate is seeking, or
1789 (C) the candidate circulates a petition and obtains the required number
1790 of signatures for filing a candidacy for nomination for (i) the office of
1791 Governor, Lieutenant Governor, Attorney General, State Comptroller,
1792 State Treasurer or Secretary of the State or the district office of state
1793 senator or state representative, pursuant to section 9-400, or (ii) the
1794 municipal office of state senator or state representative, pursuant to
1795 section 9-406, whichever is applicable. The State Elections Enforcement
1796 Commission shall make any such payments to participating candidates
1797 in accordance with the provisions of subsection (g) of this section.

1798 (2) A participating candidate for nomination to the office of state
1799 senator or state representative in 2008, or thereafter, or the office of
1800 Governor, Attorney General, State Comptroller, Secretary of the State
1801 or State Treasurer in 2010, or thereafter, may apply to the State
1802 Elections Enforcement Commission for a grant from the fund under
1803 the Citizens' Election Program for a general election campaign:

1804 (A) After the close of the state or district convention or municipal
1805 caucus, convention or town committee meeting, whichever is
1806 applicable, of the candidate's party that is called for the purpose of
1807 choosing candidates for nomination for the office that the candidate is
1808 seeking, if (i) said party endorses said candidate for the office that the
1809 candidate is seeking and no other candidate of said party files a
1810 candidacy with the Secretary of the State in accordance with the
1811 provisions of section 9-400 or 9-406, whichever is applicable, (ii) the
1812 candidate is seeking election to the office of Governor, Lieutenant
1813 Governor, Attorney General, State Comptroller, State Treasurer or
1814 Secretary of the State or the district office of state senator or state

1815 representative and receives at least fifteen per cent of the votes of the
1816 convention delegates present and voting on any roll-call vote taken on
1817 the endorsement or proposed endorsement of a candidate for the office
1818 the candidate is seeking, no other candidate for said office at such
1819 convention either receives the party endorsement or said percentage of
1820 said votes for said endorsement or files a certificate of endorsement
1821 with the Secretary of the State in accordance with the provisions of
1822 section 9-388 or a candidacy with the Secretary of the State in
1823 accordance with the provisions of section 9-400, and no other
1824 candidate for said office circulates a petition and obtains the required
1825 number of signatures for filing a candidacy for nomination for said
1826 office pursuant to section 9-400, (iii) the candidate is seeking election to
1827 the office of Governor, Lieutenant Governor, Attorney General, State
1828 Comptroller, State Treasurer or Secretary of the State or the district
1829 office of state senator or state representative, circulates a petition and
1830 obtains the required number of signatures for filing a candidacy for
1831 nomination for said office pursuant to section 9-400 and no other
1832 candidate for said office at the state or district convention either
1833 receives the party endorsement or said percentage of said votes for
1834 said endorsement or files a certificate of endorsement with the
1835 Secretary of the State in accordance with the provisions of section 9-388
1836 or a candidacy with the Secretary of the State in accordance with the
1837 provisions of section 9-400, or (iv) the candidate is seeking election to
1838 the municipal office of state senator or state representative, circulates a
1839 petition and obtains the required number of signatures for filing a
1840 candidacy for nomination for the office the candidate is seeking
1841 pursuant to section 9-406 and no other candidate for said office at the
1842 caucus, convention or town committee meeting either receives the
1843 party endorsement or files a certification of endorsement with the
1844 town clerk in accordance with the provisions of section 9-391;

1845 (B) After any primary held by such party for nomination for said
1846 office, if the Secretary of the State declares that the candidate is the
1847 party nominee in accordance with the provisions of section 9-440;

1848 (C) In the case of a minor party candidate, after the nomination of
1849 such candidate is certified and filed with the Secretary of the State
1850 pursuant to section 9-452; or

1851 (D) In the case of a petitioning party candidate, after approval by
1852 the Secretary of the State of such candidate's nominating petition
1853 pursuant to section 9-453o.

1854 (3) A participating candidate for nomination to the office of state
1855 senator or state representative at a special election in 2008, or
1856 thereafter, may apply to the State Elections Enforcement Commission
1857 for a grant from the fund under the Citizens' Election Program for a
1858 general election campaign after the close of the district convention or
1859 municipal caucus, convention or town committee meeting of the
1860 candidate's party that is called for the purpose of choosing candidates
1861 for nomination for the office that the candidate is seeking.

1862 (4) Notwithstanding the provisions of subdivisions (1) and (2) of
1863 this subsection, no participating candidate for nomination or election
1864 who changes the candidate's status as a major party, minor party or
1865 petitioning party candidate or becomes a candidate of a different
1866 party, after filing the affidavit required under section 9-703, shall be
1867 eligible to apply for a grant under the Citizens' Election Program for
1868 such candidate's primary campaign for such nomination or general
1869 election campaign for such election. The provisions of this subdivision
1870 shall not apply in the case of a candidate who is nominated by more
1871 than one party and does not otherwise change the candidate's status as
1872 a major party, minor party or petitioning party candidate.

1873 (b) The application shall include a written certification that:

1874 (1) The candidate committee has received the required amount of
1875 qualifying contributions;

1876 (2) The candidate committee has repaid all moneys borrowed on
1877 behalf of the campaign, as required by subsection (b) of section 9-710;

1878 (3) The candidate committee has either returned any contribution
1879 [of five dollars or more from an individual who does not include the
1880 individual's name and address with the contribution] that is not
1881 documented with a signed contribution certification document, as
1882 required by subsection (c) of this section, or has transmitted any such
1883 contribution to the State Elections Enforcement Commission for
1884 deposit in the Citizens' Election Fund;

1885 (4) The candidate committee has either returned all contributions or
1886 portions of contributions that do not meet the criteria for qualifying
1887 contributions under section 9-704, or has transmitted any such
1888 contribution to the State Elections Enforcement Commission for
1889 deposit in the Citizens' Election Fund and the candidate committee has
1890 transmitted all excess qualifying contributions to the Citizens' Election
1891 Fund;

1892 (5) The campaign treasurer of the candidate committee will:
1893 [comply] (A) Comply with the provisions of [sections 9-700 to 9-716 ,
1894 inclusive] chapters 155 and 157 and any regulation adopted pursuant
1895 to said chapters, and (B) maintain and furnish all records required
1896 pursuant to chapters 155 and 157;

1897 (6) All moneys received from the Citizens' Election Fund will be
1898 deposited upon receipt into the depository account of the candidate
1899 committee;

1900 (7) The campaign treasurer of the candidate committee will expend
1901 all moneys received from the fund in accordance with the provisions of
1902 subsection (g) of section 9-607 and regulations adopted by the State
1903 Elections Enforcement Commission under subsection (e) of this
1904 section; and

1905 (8) If the candidate withdraws from the campaign, becomes
1906 ineligible or dies during the campaign, the candidate committee of the
1907 candidate will return to the commission, for deposit in the fund, all
1908 moneys received from the fund pursuant to sections 9-700 to 9-716,

1909 inclusive, which said candidate committee has not spent as of the date
1910 of such occurrence.

1911 (c) The application shall be accompanied by (1) a cumulative
1912 itemized accounting of all funds received, expenditures made and
1913 expenses incurred but not yet paid by the candidate committee as of
1914 three days before the [date that the application is signed] applicable
1915 application deadline contained in subsection (g) of this section, (2) a
1916 signed contribution certification document for each qualifying
1917 contribution, and (3) any documentation required by the commission
1918 concerning any exploratory committee established by such candidate.
1919 Such accounting shall be sworn to under penalty of false statement by
1920 the campaign treasurer of the candidate committee. Such contribution
1921 certification document shall contain the following information: (A) The
1922 name of the contributor, (B) the contributor's signature, (C) the
1923 contributor's residential address, including zip code, (D) the
1924 contributor's telephone number, (E) the amount of the contribution, (F)
1925 the form of the contribution, (G) the date of the contribution, as filled-
1926 in by the contributor, and (H) the candidate committee's name.
1927 Additionally, the following statement shall be placed above the line for
1928 the contributor's signature on such contribution certification
1929 document: "I hereby affirm that this contribution is being made from
1930 my personal funds, is not being reimbursed in any manner, is not
1931 being made as a loan, and is not otherwise a prohibited contribution."
1932 The commission shall prescribe the form of the application and the
1933 cumulative itemized accounting. The form for such accounting shall
1934 conform to the requirements of section 9-608. Both the candidate and
1935 the campaign treasurer of the candidate committee shall sign the
1936 application.

1937 (d) [Not later than three business days following receipt of any such
1938 application] In accordance with the provisions of subsection (g) of this
1939 section, the commission shall review the application, determine
1940 whether (1) the candidate committee for the applicant has received the
1941 required qualifying contributions, (2) in the case of an application for a

1942 grant from the fund for a primary campaign, the applicant has met the
1943 applicable condition under subsection (a) of this section for applying
1944 for such grant and complied with the provisions of subsections (b) and
1945 (c) of this section, (3) in the case of an application for a grant from the
1946 fund for a general election campaign, the applicant has met the
1947 applicable condition under subsection (a) of this section for applying
1948 for such moneys and complied with the provisions of subsections (b)
1949 and (c) of this section, and (4) in the case of an application by a minor
1950 party or petitioning party candidate for a grant from the fund for a
1951 general election campaign, the applicant qualifies as an eligible minor
1952 party candidate or an eligible petitioning party candidate, whichever is
1953 applicable. If the commission approves an application, the commission
1954 shall determine the amount of the grant payable to the candidate
1955 committee for the applicant pursuant to section 9-705 from the fund,
1956 and notify the State Comptroller and the candidate of such candidate
1957 committee, of such amount. Not later than two business days
1958 following notification by the commission, the State Comptroller shall
1959 draw an order on the State Treasurer for payment of such amount to
1960 the qualified candidate committee from the fund.

1961 (e) The State Elections Enforcement Commission shall adopt
1962 regulations, in accordance with the provisions of chapter 54, on
1963 permissible expenditures under subsection (g) of section 9-607 for
1964 qualified candidate committees receiving grants from the fund under
1965 sections 9-700 to 9-716, inclusive.

1966 (f) If a nominated participating candidate dies, withdraws the
1967 candidate's candidacy or becomes disqualified to hold the office for
1968 which the candidate has been nominated after the commission
1969 approves the candidate's application for a grant under this section, the
1970 candidate committee of the candidate who is nominated to replace said
1971 candidate pursuant to section 9-460 shall be eligible to receive grants
1972 from the fund without complying with the provisions of section 9-704,
1973 if said replacement candidate files an affidavit under section 9-703, as
1974 amended by this act, certifying the candidate's intent to abide by the

1975 expenditure limits set forth in subsection (c) of section 9-702, as
1976 amended by this act, and notifies the commission on a form prescribed
1977 by the commission.

1978 (g) Any application submitted pursuant to this section shall be
1979 submitted in accordance with the following deadlines: (1) By four
1980 o'clock p.m. on the second Friday in May of the year that the primary
1981 or election will be held at which such participating candidate will seek
1982 nomination or election, or (2) by four o'clock p.m. on any subsequent
1983 Friday of such year. No application shall be accepted by the
1984 commission after four o'clock p.m. on the second to last Friday prior to
1985 the primary or election at which such participating candidate will seek
1986 nomination or election. Not later than five business days following any
1987 such deadline, the commission shall review any application received
1988 by such deadline, in accordance with the provisions of subsection (d)
1989 of this section, and determine whether such application shall be
1990 approved or disapproved. The State Elections Enforcement
1991 Commission may adopt regulations, in accordance with the provisions
1992 of chapter 54, to establish application deadlines and payment
1993 schedules for participating candidates in a special election.

1994 Sec. 38. Section 9-751 of the general statutes is repealed and the
1995 following is substituted in lieu thereof (*Effective from passage*):

1996 Any person, business entity, organization, party committee or
1997 political committee, as such terms are defined in section 9-601, may
1998 contribute to the Citizens' Election Fund established in section 9-701.
1999 Any such contribution shall be made by check or money order,
2000 provided any such contribution from a party committee or political
2001 committee shall be made by a check drawn on such committee's
2002 designated checking account. The State Elections Enforcement
2003 Commission shall immediately transmit all contributions received
2004 pursuant to this section to the State Treasurer for deposit in the
2005 Citizens' Election Fund.

2006 Sec. 39. (*Effective July 1, 2007*) The sum of five hundred thousand

dollars is appropriated to the Department of Transportation, from the General Fund, for the fiscal year ending June 30, 2008, for the purpose of providing a grant to the Greater New Haven Transit District for the acquisition and installation of a hydrogen fueling station and maintenance facility in Hamden for use by hydrogen powered vehicles owned by the Greater New Haven Transit District and the town of Hamden.

Sec. 40. (NEW) (*Effective from passage*) (a) There is established a State Contracting Standards Board that shall consist of thirteen members appointed as follows: Seven members by the Governor, one member by the speaker of the House of Representatives, one member by the president pro tempore of the Senate, one member by the majority leader of the Senate, one member by the minority leader of the Senate, one member by the majority leader of the House of Representatives and one member by the minority leader of the House of Representatives.

(b) Each member shall be appointed in accordance with the provisions of section 4-7 of the general statutes and have demonstrated sufficient knowledge by education, training or experience in several of the following enumerated areas: (1) Procurement; (2) contract negotiation, selection and drafting; (3) contract risk assessment; (4) competitive bidding and proposal procedures; (5) real estate transactions, including the purchase, sale and lease of real estate and buildings; (6) building construction and architecture; (7) business insurance and bonding; (8) ethics in public contracting; (9) federal and state statutes, procurement policies and regulations; (10) outsourcing and privatization analysis; (11) small and minority business enterprise development; (12) engineering and information technologies; and (13) personnel and labor relations, provided such education, training or experience was acquired over not less than a continuous five-year period within the ten-year period preceding such appointment.

(c) The chairperson of the board shall be appointed by the members of the board. The terms of the members shall be coterminous with the

2040 terms of the appointing authority for each member. If any vacancy
2041 occurs on the board, the appointing authority having the power to
2042 make the appointment under the provisions of this section shall
2043 appoint a person in accordance with the provisions of this section.

2044 (d) The State Contracting Standards Board shall be an independent
2045 body within the Executive Department.

2046 (e) The chairperson of the board and other members of the board
2047 shall be compensated two hundred dollars per diem. No person shall
2048 serve on the board who is a full-time state or municipal employee. No
2049 board member or any spouse, child, stepchild, parent or sibling of such
2050 board member shall be directly involved in any enterprise that does
2051 business with the state.

2052 (f) The Governor shall appoint an executive director of the board
2053 who shall serve as an ex-officio, nonvoting member of the board. The
2054 executive director shall be appointed in accordance with the provisions
2055 of section 4-7 of the general statutes and may be removed from office
2056 for reasonable cause, in accordance with chapter 67 of the general
2057 statutes. The board shall, annually, conduct a performance evaluation
2058 of such executive director. The executive director shall report to the
2059 chairperson of the board and, in consultation with the Chief
2060 Procurement Officer, (1) conduct comprehensive planning with respect
2061 to the administrative functions of the board; (2) coordinate the budget
2062 and personnel activities of the board; (3) cause the administrative
2063 organization of the board to be examined with a view to promoting
2064 economy and efficiency; (4) act as the external liaison for the board;
2065 and, (5) execute such other duties as may be assigned by the
2066 chairperson of the board. The executive director may enter into such
2067 contractual agreements as may be necessary for the discharge of the
2068 director's duties.

2069 (g) The board shall appoint a Chief Procurement Officer for a term
2070 not to exceed six years, unless reappointed pursuant to the provisions
2071 of this subsection. The Chief Procurement Officer shall be supervised

2072 by the chairperson and annually evaluated by, and serve at the
2073 pleasure of the board.

2074 (1) The Chief Procurement Officer shall be responsible for carrying
2075 out the policies of the board including, but not limited to, oversight,
2076 investigation, auditing, agency procurement certification and
2077 procurement and project management training and enforcement of
2078 said policies as well as the application of such policies to the screening
2079 and evaluation of current and prospective contractors. The Chief
2080 Procurement Officer may enter into such contractual agreements as
2081 may be necessary for the discharge of the duties as set forth in this
2082 subsection and by the board, including, but not limited to,
2083 recommending best practices and providing operational and
2084 administrative assistance to state agencies determined, by the board, to
2085 be in violation of this act.

2086 (2) In addition to the duties set forth by the board, the Chief
2087 Procurement Officer shall (A) oversee state contracting agency
2088 compliance with the provisions of the uniform procurement code; (B)
2089 monitor and assess the procurement duties of each Agency
2090 Procurement Officer; (C) administer the certification system and
2091 monitor the level of agency compliance with the requirements of the
2092 uniform procurement code, including, but not limited to, the education
2093 and training, performance and qualifications of agency contract
2094 officers; (D) review and monitor the procurement processes of each
2095 state contracting agency, quasi-public agencies and institutions of
2096 higher education; and (E) serve as chairperson of the Contracting
2097 Standards Advisory Council and an ex-officio member of the Vendor
2098 and Citizen Advisory Panel.

2099 (h) The board may contract with consultants and professionals on a
2100 temporary or project by project basis and may employ, subject to the
2101 provisions of chapter 67 of the general statutes, such employees as may
2102 be necessary to carry out the provisions of this section.

2103 (i) The reasonable expenses of the State Contracting Standards

2104 Board and its employees shall be paid from the budget of the board,
2105 upon the approval of the board.

2106 (j) No employee of the State Contracting Standards Board shall hold
2107 another state or full-time municipal position. No nonclerical employee
2108 of the board or any spouse, child, stepchild, parent or sibling of such
2109 employee shall be directly involved in any enterprise that does
2110 business with the state. Each member and employee of the State
2111 Contracting Standards Board shall file, with the board and with the
2112 Office of State Ethics, a financial statement indicating all sources of
2113 business income of such person in excess of one thousand dollars, and
2114 the name of any business with which such member or employee is
2115 associated, as defined in subsection (b) of section 1-79 of the general
2116 statutes. Such statement shall be a public record. Financial statements
2117 for the preceding calendar year shall be filed with the board, as
2118 required by law, if such employee or member held such a position
2119 during the preceding calendar year.

2120 (k) Any violation of the provisions of subsection (j) of this section
2121 shall constitute a violation of part I of chapter 10 of the general statutes
2122 and may be the subject of a complaint and investigation filed and
2123 conducted in accordance with the provisions of section 1-82 of the
2124 general statutes.

2125 (l) The board shall adopt such rules as it deems necessary for the
2126 conduct of its internal affairs, in accordance with section 4-167 of the
2127 general statutes, including, but not limited to, rules of procedure for
2128 any audit undertaken pursuant to section 44 of this act.

2129 (m) Seven members of the board shall constitute a quorum which
2130 shall be required for the transaction of business by the board.

2131 Sec. 41. (NEW) (*Effective from passage*) (a) All rights, powers, duties,
2132 and authority relating to the procurement policies of the state, vested
2133 in, or exercised by, any state contracting agency are hereby transferred
2134 to the board, and include the following:

2135 (1) Acquisition of supplies, services, and construction, and the
2136 management, control, warehousing, sale, and disposal of supplies,
2137 services, and construction;

2138 (2) Any state contracting and procurement processes, including, but
2139 not limited to, leasing and property transfers, purchasing or leasing of
2140 supplies, materials or equipment, consultant or consultant services,
2141 purchase of service agreements or privatization contracts as defined in
2142 this act; and

2143 (3) Contracts for the construction, reconstruction, alteration,
2144 remodeling, repair or demolition of any public building.

2145 (b) Upon request by the board, each state contracting agency shall
2146 provide the board, in a timely manner, with such procurement
2147 information as the board deems necessary. The board shall have access
2148 to all information, files and records related to any state contracting
2149 agency in furtherance of this purpose. Nothing in this section shall be
2150 construed to require the board's disclosure of documents that are
2151 exempt from disclosure pursuant to chapter 14 of the general statutes
2152 or that may be protected from disclosure under claim of an attorney-
2153 client privilege.

2154 (c) Nothing in this section shall be construed to require the
2155 application of uniform procurement code procedures when such
2156 procurement involves the expenditure of federal assistance or contract
2157 funds and federal law provides applicable procurement procedures to
2158 the extent such procedures are inconsistent with the uniform
2159 procurement code.

2160 Sec. 42. (NEW) (*Effective from passage*) Except as otherwise provided
2161 in the general statutes, the board shall have the following authority
2162 and responsibilities:

2163 (a) Recommend the repeal of repetitive, conflicting or obsolete
2164 statutes concerning state procurement;

2165 (b) Review proposed legislation and regulations concerning
2166 procurement, as well as, institute policies governing the procurement,
2167 management, control, and disposal of any and all supplies, services,
2168 and construction to be procured by the state, including, but not limited
2169 to:

2170 (1) Conditions and procedures for delegation of procurement
2171 authority;

2172 (2) Prequalification, suspension, debarment and reinstatement of
2173 prospective bidders and contractors;

2174 (3) Small purchase procedures;

2175 (4) Conditions and procedures for the procurement of perishables
2176 and items for resale;

2177 (5) Conditions and procedures for the use of source selection
2178 methods authorized by the uniform procurement code;

2179 (6) Conditions and procedures for the use of emergency
2180 procurements;

2181 (7) Conditions and procedures for the selection of contractors by
2182 processes or methods that restrict full and open competition;

2183 (8) The opening or rejection of bids and offers, and waiver of errors
2184 in bids and offers;

2185 (9) Confidentiality of technical data and trade secrets submitted by
2186 actual or prospective bidders;

2187 (10) Partial, progressive, and multiple awards;

2188 (11) Supervision of storerooms and inventories, including
2189 determination of appropriate stock levels and the management,
2190 transfer, sale, or other disposal of publicly-owned supplies;

2191 (12) Definitions and classes of contractual services and procedures
2192 for acquiring such services;

2193 (13) Regulations providing for conducting cost and price analysis;

2194 (14) Use of payment and performance bonds;

2195 (15) Guidelines for use of cost principles in negotiations,
2196 adjustments, and settlements; and

2197 (16) Identification of procurement best practices;

2198 (c) Adopt regulations, pursuant to chapter 54 of the general statutes,
2199 to carry out the provisions of the uniform procurement code, in order
2200 to facilitate consistent application of the law and require the
2201 implementation of procurement best practices;

2202 (d) Develop, acquire, implement, provide oversight and
2203 management of information systems for state procurement including,
2204 but not limited to data element and design and the state contracting
2205 portal;

2206 (e) Develop, publish and maintain the uniform procurement code
2207 for all state contracting agencies;

2208 (f) Assist state contracting agencies in complying with the uniform
2209 procurement code by providing guidance, models, advice and
2210 practical assistance to state contracting agency staff relating to: (1)
2211 Buying the best service at the best price, (2) properly selecting
2212 contractors, and (3) drafting contracts that achieve state goals of
2213 accountability, transparency and results based outcomes and to protect
2214 taxpayers' interest;

2215 (g) Coordinate the Agency Procurement Officers of each state
2216 contracting agency and any contracting officers thereunder;

2217 (1) The head of each state contracting agency shall appoint a senior
2218 official as the Agency Procurement Officer. Such officer shall serve as

2219 the liaison between the agency and the Chief Procurement Officer on
2220 all matters relating to the agency's procurement activity; including, but
2221 not limited to, implementation and compliance with the provisions of
2222 the uniform procurement code and any policies or regulations adopted
2223 by the board, coordination of the training and education of agency
2224 procurement employees and any person serving on the Contract
2225 Standards Advisory Council;

2226 (2) The Agency Procurement Officer shall be responsible for
2227 assuring that contractors are properly screened prior to the award of a
2228 contract, evaluating contractor performance during and at the
2229 conclusion of a contract, submitting written evaluations to a central
2230 data repository to be designated by the board and creating a project
2231 management plan for the agency with annual reports to the board
2232 pertaining to procurement projects within the agency;

2233 (h) Review and certify, on or after July 1, 2008, that a state
2234 contracting agency's procurement processes are in compliance with the
2235 uniform procurement code by:

2236 (1) Establishing procurement and project management education
2237 and training criteria and certification procedures for Agency
2238 Procurement Officers and contracting officers. All Agency
2239 Procurement Officers and contracting officers designated under this
2240 provision shall be required to maintain the certification in good
2241 standing at all times while performing procurement functions;

2242 (2) Approving an ethics training course, including, but not limited
2243 to, state employees involved in procurement and for state contractors
2244 and substantial subcontractors who are prequalified. Such ethics
2245 training course may be developed and provided by the Office of State
2246 Ethics or by any person, firm or corporation provided such course is
2247 approved by the State Contracting Standards Board;

2248 (i) Recertify each state contracting agency's procurement processes,
2249 triennially, and provide agencies with notice of any certification

2250 deficiency and exercise authority if a determination of noncompliance
2251 is made;

2252 (j) Define the contract data reporting requirements to the board for
2253 state agencies concerning information on: (1) The number and type of
2254 state contracts currently in effect state-wide; (2) the term and dollar
2255 value of such contracts; (3) a list of client agencies; (4) a description of
2256 services purchased under such contracts; (5) contractor names; (6) an
2257 evaluation of contractor performance, including, but not limited to
2258 records pertaining to the suspension or disqualification of contractors,
2259 and assuring such information is available on the state contracting
2260 portal; and (7) a list of contracts and contractors awarded without full
2261 and open competition stating the reasons for and identifying the
2262 approving authority; and

2263 (k) Provide the Governor and the joint standing committee of the
2264 General Assembly having cognizance of matters relating to
2265 government administration with recommendations concerning the
2266 uniform procurement code.

2267 Sec. 43. (NEW) (*Effective from passage*) (a) The State Contracting
2268 Standards Board, with the advice and assistance of the Commissioner
2269 of Administrative Services, shall develop a standardized state
2270 procurement and project management education and training
2271 program. Such education and training program shall develop
2272 education, training and professional development opportunities for
2273 employees of state contracting agencies charged with procurement
2274 responsibilities. The program shall educate such employees in general
2275 business acumen and on proper purchasing procedures as established
2276 in the uniform procurement code with an emphasis on ethics, fairness,
2277 consistency and project management. Participation in the program
2278 shall be required of any supervisory and nonsupervisory state
2279 employees in state contracting agencies with responsibility for buying,
2280 purchasing, renting, leasing or otherwise acquiring any supplies,
2281 service or construction, including the preparation of the description of
2282 requirements, selection and solicitation of sources, preparation and

2283 award of contracts and all phases of contract administration.

2284 (b) The program shall include, but shall not be limited to (1) training
2285 and education concerning federal, state and municipal procurement
2286 processes, including the state procurement code and principals of
2287 project management; (2) training and education courses developed in
2288 cooperation with the Office of State Ethics, the Freedom of Information
2289 Commission, the State Elections Enforcement Commission, the
2290 Commission on Human Rights and Opportunities, the office of the
2291 Attorney General and any other state agency the board determines is
2292 necessary in carrying out the purposes of the uniform procurement
2293 code; (3) providing technical assistance to state contracting agencies
2294 and municipalities for implementing the uniform procurement code,
2295 regulations, policies and standards developed by the board; (4)
2296 training to current and prospective contractors and vendors and others
2297 seeking to do business with the state; and (5) training and education of
2298 state employees in the area of best procurement practices in state
2299 purchasing with the goal of achieving the level of acumen necessary to
2300 achieve the objectives of the uniform procurement code.

2301 (c) Any employee that completes the program established under
2302 subsection (a) of this section shall be issued documentation by the
2303 board acknowledging such employee's participation in the program.
2304 The board shall submit an annual report to the Governor and the
2305 General Assembly on the status of such program.

2306 (d) The board shall adopt regulations, in accordance with the
2307 provisions of chapter 54 of the general statutes, to develop and
2308 implement the training and education program established under
2309 subsection (a) of this section.

2310 Sec. 44. (NEW) (*Effective from passage*) (a) The board shall conduct
2311 audits of state contracting agencies, triennially, to ensure compliance
2312 with the uniform procurement code. In conducting such audit, the
2313 board shall have access to all contracting and procurement records,
2314 may interview any and all personnel responsible for contracting,

2315 contract negotiations or procurement and may enter into an agreement
2316 with the Auditors of Public Accounts to effectuate such audit.

2317 (b) Upon completion of any such audit, the board shall prepare and
2318 issue a compliance report for such state contracting agency. Such
2319 report shall identify any process or procedure that is inconsistent with
2320 the uniform procurement code and indicate those corrective measures
2321 the board deems necessary to comply with uniform procurement code
2322 requirements. Such report shall be issued and delivered not later than
2323 thirty days after completion of such audit and shall be a public record.

2324 Sec. 45. (NEW) (*Effective from passage*) (a) For cause, the State
2325 Contracting Standards Board may review, terminate or recommend
2326 termination of any contract or procurement agreement undertaken by
2327 any state contracting agency after providing fifteen days notice to the
2328 state contracting agency and the applicable contractor, and consulting
2329 with the Attorney General. Such termination of a contract or
2330 procurement agreement by the board may occur only after (1) the
2331 board has consulted with the contracting agency to determine the
2332 impact of an immediate termination of the contract, (2) a determination
2333 has been made jointly by the board and the contracting agency that an
2334 immediate termination of the contract will not create imminent peril to
2335 the public health, safety or welfare, and (3) a vote of two-thirds of the
2336 members of the board present and voting for that purpose. Such action
2337 shall be accompanied by notice to the state contracting agency and any
2338 other affected party. For the purpose of this section, "for cause" means:
2339 (A) A violation of section 1-84 or 1-86e of the general statutes; (B)
2340 wanton or reckless disregard of any state contracting and procurement
2341 process by any person substantially involved in such contract or state
2342 contracting agency; or (C) notification from the Attorney General to
2343 the state contracting agency that an investigation pursuant to section 4-
2344 61dd of the general statutes has concluded that the process by which
2345 such contract was awarded was compromised by fraud, collusion or
2346 other serious ethical improprieties.

2347 (b) Following consultation with the state contracting agency and

2348 upon providing fifteen days' notice and the opportunity for a hearing,
2349 the State Contracting Standards Board may restrict or terminate the
2350 authority of any state contracting agency to enter into any contract or
2351 procurement agreement if: (1) The board, upon a vote of two-thirds of
2352 the members of the board present and voting for such purpose,
2353 determines that such state contracting agency failed to comply with
2354 statutory contracting and procurement requirements and evidenced a
2355 reckless disregard for applicable procedures and policy; and (2) such
2356 limitation, restriction or termination of authority is in the state's best
2357 interest, provided the board has made arrangements for the exercise of
2358 the contracting power of such agency during the period of limitation,
2359 restriction or termination. Such limitation, restriction or termination of
2360 authority shall remain in effect until such time as the board determines
2361 that such state contracting agency has implemented corrective
2362 measures and demonstrated compliance with uniform procurement
2363 code requirements.

2364 (c) Following consultation with the state contracting agency, and
2365 thereafter upon providing fifteen days' notice and the opportunity for
2366 a hearing, the State Contracting Standards Board may require a state
2367 contracting agency to take appropriate action to restrict or terminate
2368 the authority of an employee or agent to enter into any contract or
2369 procurement agreement if the board, upon a vote of two-thirds of the
2370 members of the board present and voting for such purpose, determines
2371 that such employee or agent failed to comply with statutory
2372 contracting and procurement requirements, and evidenced a reckless
2373 disregard for applicable procedures and policy. Such limitation,
2374 restriction or termination of authority shall remain in effect until such
2375 time as the board determines that such state contracting agency has
2376 implemented corrective measures and demonstrated compliance with
2377 uniform procurement code requirements.

2378 Sec. 46. (NEW) (*Effective from passage*) There is established a
2379 Contracting Standards Advisory Council, which shall consist of
2380 representatives from the Office of Policy and Management,

2381 Departments of Administrative Services, Transportation, Public Works
2382 and Information Technology and representatives of at least three
2383 additional contracting agencies designated by the Governor. The Chief
2384 Procurement Officer shall be a member of the council and serve as
2385 chairperson. The advisory council shall meet at least four times per
2386 year to discuss state procurement issues of the council and to make
2387 recommendations for improvement of the procurement processes to
2388 the State Contracting Standards Board. The advisory council may
2389 conduct studies, research and analyses and make reports and
2390 recommendations with respect to subjects or matters within the
2391 jurisdiction of the State Contracting Standards Board.

2392 Sec. 47. (NEW) (*Effective from passage*) (a) There shall be a Vendor
2393 and Citizen Advisory Panel, comprised of fifteen members appointed,
2394 as follows: Three members by the Governor, two members by each of
2395 the following: The speaker of the House of Representatives, the
2396 majority and minority leaders of the House of Representatives, the
2397 president pro tempore of the Senate and the majority and minority
2398 leaders of the Senate. There shall be no more than six vendors with
2399 state procurement experience on the panel and the remaining citizen
2400 members shall have demonstrated sufficient knowledge by education,
2401 training or experience in several of the following enumerated areas: (1)
2402 Government procurement; (2) contract negotiation, drafting and
2403 management; (3) contract risk assessment; (4) preparing requests for
2404 proposals, invitations to bid and other procurement solicitations; (5)
2405 evaluating proposals, bids and quotations; (6) real property
2406 transactions; (7) business insurance and bonding; (8) the state code of
2407 ethics; (9) federal and state statutes, policies and regulations; (10)
2408 outsourcing and privatization proposal analysis; (11) governmental
2409 taxation and finance; and (12) small and minority business enterprise
2410 development, provided such education, training or experience shall
2411 have been acquired over not less than a continuous five-year period
2412 and within the ten-year period preceding such appointment. The
2413 chairperson of the panel shall be the Chief Procurement Officer, who
2414 shall be an ex-officio member.

2415 (b) The panel shall make recommendations to the board regarding
2416 best practices in state procurement processes and project management
2417 as well as other issues pertaining to stakeholders in the system.

2418 Sec. 48. (NEW) (*Effective from passage*) (a) On and after October 1,
2419 2009, the powers, duties, obligations and other governmental functions
2420 of the State Properties Review Board, established under subsection (a)
2421 of section 4b-3 of the general statutes, shall transfer to the State
2422 Contracting Standards Board. The powers, duties, obligations and
2423 other governmental functions of the State Properties Review Board,
2424 shall thereafter vest in the State Contracting Standards Board, in
2425 accordance with the provisions of sections 4-38d and 4-39 of the
2426 general statutes.

2427 (b) On or before October 1, 2009, the State Contracting Standards
2428 Board shall establish a three-member subcommittee of the board to be
2429 known as the state properties review subcommittee to perform the
2430 duties described under subsection (a) of this section. The
2431 subcommittee shall perform the duties established under subsection
2432 (a) of this section in accordance with rules and procedures established
2433 by the board. The State Contracting Standards Board shall constitute a
2434 successor department to the State Properties Review Board in
2435 accordance with the provisions of sections 4-38d and 4-39 of the
2436 general statutes.

2437 Sec. 49. (NEW) (*Effective from passage*) (a) The board shall be
2438 available to provide assistance to the Secretary of the State,
2439 Comptroller, Treasurer and Attorney General to develop best
2440 procurement practices specific to the constitutional responsibilities of
2441 each office and consistent with the provisions of the uniform
2442 procurement code.

2443 (b) Each of the above-referenced officers shall adopt a code of
2444 procurement practices on or before July 1, 2009.

2445 Sec. 50. (NEW) (*Effective from passage*) (a) On or before January 1,

2446 2009, the Judicial Branch and the Legislative Branch shall prepare a
2447 procurement code applicable to contracting expenditures, including,
2448 but not limited to, expenditures: (1) Involving contracting and
2449 procurement processes for purchasing or leasing of supplies, materials
2450 or equipment, consultant or consultant services, personal service
2451 agreements or purchase of service agreements; and (2) relating to
2452 contracts for the renovation, alteration or repair of any Judicial Branch
2453 and the Legislative Branch facility in accordance with section 4b-1 of
2454 the general statutes.

2455 (b) The procurement code described in subsection (a) of this section
2456 shall be designed to: (1) Establish uniform contracting standards and
2457 practices; (2) simplify and clarify contracting standards and
2458 procurement policies and practices, including, but not limited to,
2459 procedures for competitive sealed bids, competitive sealed proposals,
2460 small purchases, sole source procurements, emergency procurements
2461 and special procurements; (3) ensure the fair and equitable treatment
2462 of all businesses and persons who deal with the procurement system;
2463 (4) include a process to maximize the use of small contractors and
2464 minority business enterprises; (5) provide increased economy in
2465 procurement activities and maximize purchasing value to the fullest
2466 extent possible; (6) ensure that the procurement of supplies, materials,
2467 equipment, services, real property and construction is obtained in a
2468 cost-effective and responsive manner; (7) include a process to ensure
2469 contractor and Judicial Branch accountability; and (8) provide a
2470 process for competitive sealed bids, competitive sealed proposals,
2471 small purchases, sole source procurements, emergency procurements,
2472 special procurements, best value selection, qualification based
2473 selection and the conditions for their use.

2474 (c) On or before February 1, 2009, the Judicial Branch shall submit
2475 such procurement code for review and approval to the joint standing
2476 committee of the General Assembly having cognizance of matters
2477 relating to the judiciary.

2478 (d) On or before February 1, 2009, the Joint Committee on

2479 Legislative Management shall develop such procurement code.

2480 Sec. 51. (NEW) (*Effective from passage*) (a) The Department of
2481 Administrative Services, in consultation with the State Contracting
2482 Standards Board, shall establish and maintain a single electronic portal
2483 available on the World Wide Web and located on the Department of
2484 Administrative Services' web site for purposes of posting all
2485 contracting opportunities with state agencies in the executive branch,
2486 the constituent units of the state system of higher education and quasi-
2487 public agencies. Such electronic portal shall be know as the State
2488 Contracting Portal.

2489 (b) The State Contracting Portal shall, among other things, include:
2490 (1) All requests for bids or proposals, and other solicitations regardless
2491 of the method of source selection, related materials and all resulting
2492 contracts and agreements by state agencies; (2) a searchable database
2493 for locating information; (3) personal services agreements purchase of
2494 service agreements; (4) a state procurement and contract manual or
2495 other similar information designated by the Department of
2496 Administrative Services as describing approved contracting processes
2497 and procedures; and (5) prominent features to encourage the active
2498 recruitment and participation of small businesses and women and
2499 minority owned enterprises in the state contracting process.

2500 (c) All state agencies in the executive branch, the constituent units of
2501 the state system of higher education and quasi-public agencies shall
2502 post all bids, requests for proposals and all resulting contracts and
2503 agreements on the State Contracting Portal and shall, with the
2504 assistance of the Department of Administrative Services and the
2505 Department of Information Technology as needed, develop the
2506 infrastructure and capability to electronically communicate with the
2507 State Contracting Portal.

2508 (d) All state agencies in the executive, the constituent units of the
2509 state system of higher education and quasi-public agencies shall
2510 develop written policies and procedures to ensure that information

2511 posted to the State Contracting Portal is done in a timely, complete and
2512 accurate manner consistent with the highest legal and ethical
2513 standards of state government.

2514 (e) The Department of Administrative Services shall periodically
2515 report to the Governor and the State Contracting Standards Board on
2516 the progress of all state agencies in the executive branch, the
2517 constituent units of the state system higher education and quasi-public
2518 agencies, in developing the capacity, infrastructure, policies and
2519 procedures to electronically communicate with the State Contracting
2520 Portal as well as the Department of Administrative Services' progress
2521 toward establishment and maintenance of the State Contracting Portal.

2522 Sec. 52. (NEW) (*Effective July 1, 2008*) (a) Sections 53 to 112, inclusive,
2523 and section 116 of this act shall be construed to promote the
2524 underlying purposes and objectives pertaining to the uniform
2525 procurement code.

2526 (b) The underlying purposes and objectives of the uniform
2527 procurement code are to:

2528 (1) Establish uniform contracting standards and practices among the
2529 various state contracting agencies in order to foster effective broad-
2530 based competitive values and protocols;

2531 (2) Simplify and clarify the state's laws governing contracting
2532 standards and the state's procurement policies and practices,
2533 including, but not limited to, procedures for competitive sealed bids,
2534 competitive sealed proposals, special procurements, best value
2535 selection, qualification-based selection and the conditions for their use;

2536 (3) Permit the continued development of the best procurement
2537 practices by the state and to provide for increased public confidence in
2538 the procedures followed in public procurement by the state by
2539 providing safeguards for the maintenance of a procurement system of
2540 quality and integrity;

2541 (4) Ensure the fair and equitable treatment of all businesses and
2542 persons who deal with the procurement system of the state;

2543 (5) Include a process to maximize the use of small contractors and
2544 minority business enterprises;

2545 (6) Ensure that the procurement of supplies, materials, equipment,
2546 services, real property and construction required by any state agency is
2547 obtained in a cost-effective and responsive manner;

2548 (7) Provide increased economy in state procurement activities and
2549 to maximize, to the fullest extent practicable, the purchasing value of
2550 public funds expended by the state, taking into account, where
2551 applicable, performance and cost of contracts and purchase orders;

2552 (8) Preserve and maintain the existing contracting, procurement,
2553 disqualification and termination authority and discretion of any state
2554 contracting agency when such contracting and procurement
2555 procedures represent best practices;

2556 (9) Include a process to improve contractor and state contracting
2557 agency accountability; and

2558 (10) Establish standards for leases and lease-purchase agreements
2559 and for the purchase and sale of real estate.

2560 Sec. 53. (NEW) (*Effective July 1, 2008*) All parties involved in the
2561 negotiation, performance or administration of state contracts shall act
2562 in good faith.

2563 Sec. 54. (NEW) (*Effective July 1, 2008*) (a) The provisions of sections
2564 53 to 112, inclusive, of this act shall be known as the uniform
2565 procurement code and shall apply to contracts solicited or entered into
2566 after the effective date of this section.

2567 (b) Except as otherwise provided, the uniform procurement code
2568 shall apply to every expenditure of public funds regardless of their

2569 source, involving any state contracting and procurement processes,
2570 including, but not limited to, leasing and property transfers,
2571 purchasing or leasing of supplies, materials or equipment, consultant
2572 or consultant services, personal service agreements, purchase of
2573 service agreements or privatization contracts, and relating to contracts
2574 for the construction, reconstruction, alteration, remodeling, repair or
2575 demolition of any public building.

2576 (c) Nothing in this section shall be construed to require the
2577 application of uniform procurement code procedures when such
2578 procurement involves the expenditure of federal assistance or contract
2579 funds and federal law provides applicable procurement procedures to
2580 the extent such procedures are inconsistent with the uniform
2581 procurement code.

2582 (d) The provisions of the uniform procurement code shall apply to
2583 quasi-public agencies and the constituent units of the state system of
2584 higher education on and after July 1, 2009.

2585 (e) On and after July 1, 2010, the provisions of the uniform
2586 procurement code shall apply to municipalities, political subdivisions
2587 and municipal district commissions procurement processes that utilize
2588 state funds.

2589 (f) All political subdivisions and other local public agencies of the
2590 state may adopt all or any part of the uniform procurement code and
2591 its accompanying regulations.

2592 Sec. 55. (NEW) (*Effective July 1, 2008*) For the purposes of sections 53
2593 to 112, inclusive, of this act:

2594 (1) "Award authority" means the authority granted to a state
2595 contracting agency either by the Commissioner of Administrative
2596 Services, the Chief Information Officer or as otherwise provided by
2597 law to permit state contracting agencies to make direct purchases of
2598 the supplies, materials, equipment or contractual services, including
2599 procurement for infrastructure facilities and services, listed from the

2600 sources specified without prior approval of the Commissioner or the
2601 Chief Information Officer;

2602 (2) "Best value selection" means a contract selection process in which
2603 the award of a contract is based on a combination of quality, cost and
2604 other factors;

2605 (3) "Bid" means an offer, submitted in response to an invitation to
2606 bid, to furnish supplies, materials, equipment, construction or
2607 contractual services to the state under certain prescribed conditions at
2608 a stated price;

2609 (4) "Bidder" means a person, firm or corporation submitting a
2610 competitive bid in response to a solicitation;

2611 (5) "Business" means any individual or sole proprietorship,
2612 partnership, firm, corporation, trust, limited liability company, limited
2613 liability partnership, joint stock company, joint venture or other legal
2614 entity through which business for profit or not-for-profit is conducted;

2615 (6) "Change order" means a written order signed by the designated
2616 official, assigned by the department head, directing the contractor to
2617 make changes which the changes clause of the contract authorizes the
2618 designated officer to order without the consent of the contractor;

2619 (7) "Competitive bidding" means the submission of prices by
2620 persons, firms or corporations competing for a contract to provide
2621 supplies, materials, equipment or contractual services, under a
2622 procedure in which the contracting authority does not negotiate prices,
2623 as set forth in the uniform procurement code;

2624 (8) "Competitive negotiation" means a procedure for contracting for
2625 supplies, materials, equipment, contractual services and personal
2626 service contractors, in which (A) proposals are solicited from qualified
2627 suppliers by a request for proposals, and (B) changes may be
2628 negotiated in proposals and prices after being submitted;

2629 (9) "Consultant" means (A) any architect, professional engineer,
2630 landscape architect, land surveyor, accountant, interior designer,
2631 environmental professional or construction administrator, who is
2632 registered or licensed to practice such person's profession in
2633 accordance with the applicable provisions of the general statutes, or
2634 (B) any planner or any environmental, management or financial
2635 specialist;

2636 (10) "Consultant services" means those professional services
2637 rendered by architects, professional engineers, landscape architects,
2638 land surveyors, accountants, interior designers, environmental
2639 professionals, construction administrators, planners or environmental,
2640 management or financial specialists, as well as incidental services that
2641 members of these professions and those in their employ are authorized
2642 to perform;

2643 (11) "Construction" means the process of building, altering,
2644 repairing, improving, or demolishing any public infrastructure facility,
2645 including any public structure, public building, or other public
2646 improvements of any kind to state property or other property or space
2647 in which the state has an interest. "Construction" does not include the
2648 routine operation, routine repair or routine maintenance of any
2649 existing public infrastructure facility, including structures, buildings or
2650 real property;

2651 (12) "Construction item" means commodities or services involved in
2652 the process of building, designing, altering or repairing a public
2653 structure or building, or other improvements to any state property.
2654 "Construction item" does not include routine operation, routine repair
2655 or routine maintenance of existing structures, buildings or property;

2656 (13) "Contract" or "state contract" means an agreement or a
2657 combination or series of agreements between a state agency or quasi-
2658 public agency and a person, firm or corporation for:

2659 (A) A project for the construction, reconstruction, alteration,

2660 remodeling, repair or demolition of any public building or public
2661 work;

2662 (B) Services, including, but not limited to, consulting and
2663 professional services;

2664 (C) The acquiring or disposing of all manner of real and personal
2665 property;

2666 (D) Goods and services, including, but not limited to, using
2667 purchase of services contracts and personal service agreements;

2668 (E) Transactions involving information technology, state agency
2669 information system or telecommunication system facilities, equipment
2670 or services, that is awarded pursuant to the uniform procurement code
2671 or subsection (e) of section 1-205 of the general statutes, subsection (c)
2672 of section 1-211 of the general statutes, subsection (b) of section 1-212
2673 of the general statutes, section 4-5 of the general statutes, section 42 of
2674 this act, 10a-151b of the general statutes, subsection (a) of section 19a-
2675 110, of the general statutes, or subsection (b) of section 32-6i of the
2676 general statutes;

2677 (F) A lease; or

2678 (G) A licensing agreement, and includes all government functions
2679 that relate to such activities;

2680 "Contract" or "state contract" does not include a contract between a
2681 state agency or a quasi-public agency and a political subdivision of the
2682 state;

2683 (14) "Term contract" means the agreement reached when the state
2684 accepts a bid or proposal to furnish supplies, materials, equipment or
2685 contractual services at a stated price for a specific period of time in
2686 response to an invitation to bid;

2687 (15) "Public works contract" means any agreement between any

2688 individual, firm or corporation and the state or any political
2689 subdivision of the state other than a municipality for construction,
2690 rehabilitation, conversion, extension, demolition or repair of a public
2691 building, highway or other changes or improvements in real property,
2692 or which is financed in whole or in part by the state, including, but not
2693 limited to, matching expenditures, grants, loans, insurance or
2694 guarantees;

2695 (16) "Contract modification" means any written alteration in
2696 specifications, delivery point, rate of delivery, period of performance,
2697 price, quantity or other provisions of any contract accomplished by
2698 mutual action of the parties to the contract, other than change orders,
2699 which were previously defined;

2700 (17) "Contract risk assessment" means (A) the identification and
2701 evaluation of loss exposures and risks, including, but not limited to,
2702 business and legal risks associated with the contracting process and
2703 the contracted goods and services, and (B) the identification,
2704 evaluation and implementation of measures available to minimize
2705 potential loss exposures and risks;

2706 (18) "Contractor" means any person or business entity who is
2707 awarded, or participating as a subcontractor under, a contract or an
2708 amendment to a contract with the state under the procedure set forth
2709 in the uniform procurement code, including, but not limited to, a small
2710 contractor, minority business enterprise, organization providing
2711 products and services by persons with disabilities, and an individual
2712 with a disability;

2713 (19) "Contractual services" or "services" means (A) the furnishing of
2714 labor, time, or effort by a contractor, not involving the delivery of a
2715 specific end product other than reports, which are merely incidental to
2716 the required performance; and (B) any and all laundry and cleaning
2717 service, pest control service, janitorial service, security service, the
2718 rental and repair, or maintenance, of equipment, machinery and other
2719 state-owned personal property, advertising and photostating,

2720 mimeographing, and other service arrangements where the services
2721 are provided by persons other than state employees. "Contractual
2722 services" includes the design, development and implementation of
2723 technology, communications or telecommunications systems or the
2724 infrastructure pertaining thereto, including hardware and software
2725 and services for which a contractor is conferred a benefit by the state,
2726 whether or not compensated by the state. "Contractual services" does
2727 not include employment agreements, collective bargaining agreements
2728 or professional services;

2729 (29) "Cost reimbursement contract" means a contract under which a
2730 contractor is reimbursed for costs which are allowable and allocable in
2731 accordance with the contract terms and the uniform procurement code
2732 and a fee, if any;

2733 (21) "Data" means recorded information, regardless of form or
2734 characteristic;

2735 (22) "Designee" means a duly authorized representative of a person
2736 holding a superior position;

2737 (23) "Design-bid-build" means a project delivery method in which
2738 the state sequentially awards separate contracts, the first for
2739 architectural and engineering services to design the project and the
2740 second for construction of the project according to the design;

2741 (24) "Design-build" means a project delivery method in which the
2742 state enters into a single contract for design and construction of an
2743 infrastructure facility;

2744 (25) "Design requirements" means the written description of the
2745 infrastructure facility or service to be procured under this part B
2746 including: (A) Required features, functions, characteristics, qualities,
2747 and properties that are required by the state; (B) the anticipated
2748 schedule, including start, duration, and completion; (C) estimated
2749 budgets as applicable to the specific procurement for design,
2750 construction, operation and maintenance. The design requirements

2751 may, but need not, include drawings and other documents illustrating
2752 the scale and relationship of the features, functions and characteristics
2753 of the project;

2754 (26) "Electronic" means electrical, digital, magnetic, optical,
2755 electromagnetic, or any other similar technology;

2756 (27) "Emergency procurement" means procurement by a state
2757 contracting agency, quasi-public agency, as defined in section 1-120 of
2758 the general statutes, judicial department or constituent unit of higher
2759 education that is made necessary by a sudden, unexpected occurrence
2760 that poses a clear and imminent danger to public safety or requires
2761 immediate action to prevent or mitigate the loss or impairment of life,
2762 health, property or essential public services or in response to a court
2763 order, settlement agreement or other similar legal judgment;

2764 (28) "Equipment" means personal property of a durable nature that
2765 retains its identity throughout its useful life;

2766 (29) "Established catalogue price" means the price included in a
2767 catalogue, price list, schedule or other form that:

2768 (A) Is regularly maintained by a manufacturer or contractor;

2769 (B) Is either published or otherwise available for inspection by
2770 customers; and

2771 (C) States prices at which sales are currently or were last made to a
2772 significant number of any category of buyers or buyers constituting the
2773 general buying public for the supplies or services involved;

2774 (30) "Excess supplies" means any supplies other than expendable
2775 supplies having a remaining useful life but which are no longer
2776 required by the using agency in possession of the supplies;

2777 (31) "Expendable supplies" means all tangible supplies other than
2778 nonexpendable supplies;

2779 (32) "Firm" means any individual, partnership, corporation, joint
2780 venture, association or other legal entity authorized by law to practice
2781 the profession of architecture, landscape architecture, engineering,
2782 land surveying, accounting, planning or environmental, management
2783 or financial specialization;

2784 (33) "Governmental body" means any department, commission,
2785 council, board, bureau, committee, institution, legislative body,
2786 agency, government corporation, or other establishment or official of
2787 the executive, legislative or judicial branch of the state;

2788 (34) "Grant" or "loan" means the furnishing by the state of assistance,
2789 whether financial or otherwise, to any person to support a program
2790 authorized by law. "Grant" or "loan" does not include an award whose
2791 primary purpose is to procure an end product, whether in the form of
2792 supplies, services or construction;

2793 (35) "Highest scoring bidder in a multiple criteria bid" means the
2794 bidder whose bid receives the highest score for a combination of
2795 attributes, including, but not limited to, price, skill, ability and
2796 integrity necessary for the faithful performance of the work, based on
2797 multiple criteria considering quality of product, warranty, life-cycle
2798 cost, past performance, financial responsibility and other objective
2799 criteria that are established in the bid solicitation for the contract;

2800 (36) "Independent peer reviewer services" means additional
2801 architectural and engineering services provided to the state;

2802 (37) "Infrastructure facility" means a building; structure; or
2803 networks of buildings, structures, pipes, controls and equipment that
2804 provide transportation, utilities, public education or public safety
2805 services. Included are government office buildings, public schools;
2806 jails; water treatment plants, distribution systems and pumping
2807 stations; waste water treatment plant, collections systems, and
2808 pumping stations; solid waste disposal plants, incinerators, landfills,
2809 and related facilities; public roads and streets; highways; public

2810 parking facilities; public transportation systems, terminals, and rolling
2811 stock; rail, air and water port structures, terminals and equipment;

2812 (38) "Invitation for bids" means all documents, whether attached or
2813 incorporated by reference, utilized for soliciting bids;

2814 (39) "Lowest responsible qualified bidder" means the bidder whose
2815 bid is the lowest of those bidders possessing the skill, ability and
2816 integrity necessary to faithful performance of the work based on
2817 objective criteria considering past performance and financial
2818 responsibility;

2819 (40) "Materials" means items required to perform a function or used
2820 in a manufacturing process, particularly those incorporated into an
2821 end product or consumed in its manufacture;

2822 (41) "Minor irregularities" means informalities that are matters of
2823 form rather than substance evident from the bid document, or
2824 insignificant mistakes that can be waived or corrected without
2825 prejudice to other bidders; that is, the effect on price, quantity, quality,
2826 delivery, or contractual conditions is negligible;

2827 (42) "Multistep competitive sealed bidding" means a competitive
2828 process calling for separate submissions of proposals or responses
2829 following the issuance of a request for information, request for
2830 qualifications or other solicitation prior to the issuance of an invitation
2831 to bid;

2832 (43) "Nonexpendable supplies" means all tangible supplies having
2833 an original acquisition cost per unit, as determined, from time to time,
2834 by the Commissioner of Administrative Services, and a probable
2835 useful life of more than one year;

2836 (44) "Nonprofit agency" means any organization that is not a for-
2837 profit business and provides services contracted for by (A) the state, or
2838 (B) a nonstate entity;

2839 (45) "Operations and maintenance" means a project delivery method
2840 whereby the state enters into a single contract for the routine
2841 operation, routine repair, and routine maintenance of an infrastructure
2842 facility;

2843 (46) "Personal service agreement" means a written agreement
2844 between the state and a personal services contractor for services
2845 rendered to the state which are infrequent or unique, which defines the
2846 services or end product to be delivered by a personal service
2847 contractor to a state agency, excluding any agreement with a personal
2848 service contractor that the state accounting manual does not require to
2849 be submitted to the Comptroller;

2850 (47) "Personal service contractor" means any person, firm or
2851 corporation not employed by the state, who is hired by a state agency
2852 for a fee to provide services to the agency. "Personal service contractor"
2853 does not include (A) a person, firm or corporation providing
2854 contractual services, as defined in this section, to the state, (B) a
2855 consultant, as defined in this section, (C) a consultant providing
2856 services to the Department of Transportation, (D) an agency of the
2857 federal government, of the state or of a political subdivision of the
2858 state, or (E) a person, firm or corporation providing consultant services
2859 for information and telecommunications systems;

2860 (48) "Professional services" means any type of service to the public
2861 that requires that members of a profession rendering such service
2862 obtain a license or other legal authorization as a condition precedent to
2863 the rendition thereof, limited to the professional services of architects,
2864 professional engineers, or jointly by architects and professional
2865 engineers, landscape architects, certified public accountants and public
2866 accountants, land surveyors, attorneys-at-law, psychologists, licensed
2867 marital and family therapists, licensed professional counselors and
2868 licensed clinical social workers as well as such other professional
2869 services described in section 33-182a of the general statutes;

2870 (49) "Privatization contract" means an agreement or series of

2871 agreements between a state contracting agency and a person or entity,
2872 in which such person or entity agrees to provide services valued at one
2873 million dollars or more over the life of the contract that are
2874 substantially similar to and in lieu of services provided, in whole or in
2875 part, by employees of such agency or by employees of another state
2876 agency and that results in the layoff of any full time state employee
2877 who is a member of a collective bargaining unit. "Privatization
2878 contract" does not include the renewal, modification or extension of a
2879 contract in effect on or before the effective date of this section;

2880 (50) "Procurement" means contracting for, buying, purchasing,
2881 renting, leasing or otherwise acquiring or disposing of, any supplies,
2882 services, including but not limited to, contracts for purchase of services
2883 and personal service agreements, interest in real property, or
2884 construction, and includes all government functions that relate to such
2885 activities, including best value selection and qualification based
2886 selection;

2887 (51) "Proposal development documents" means drawings and other
2888 design related documents that are sufficient to fix and describe the size
2889 and character of an infrastructure facility as to architectural, structural,
2890 mechanical and electrical systems, materials, and such other elements
2891 as may be appropriate to the applicable project delivery method;

2892 (52) "Proposer" means a person, firm or corporation submitting a
2893 proposal in response to a request for proposals or other competitive
2894 sealed proposal;

2895 (53) "Public record" means a public record, as defined in section 1-
2896 200 of the general statutes, and also includes any recorded data or
2897 information relating to the conduct of the public's business prepared,
2898 owned, used, received or retained by a contractor or subcontractor for
2899 work under a contract, subcontract or amendment to a contract or
2900 subcontract, whether such data or information be handwritten, typed,
2901 tape-recorded, printed, photostated, photographed or recorded by any
2902 other method;

2903 (54) "Purchase description" means the words used in a solicitation to
2904 describe the supplies, services, or construction to be purchased, and
2905 includes specifications attached to, or made a part of the solicitation;

2906 (55) "Qualification based selection" means a contract selection
2907 process in which the award of a contract is primarily based on an
2908 assessment of contractor qualifications and on the negotiation of a fair
2909 and reasonable price;

2910 (56) "Quasi-public agency" or "quasi public" means quasi-public
2911 agency, as defined in subdivision (1) of section 1-120 of the general
2912 statutes;

2913 (57) "Regulation" means regulation, as defined in section 4-166 of
2914 the general statutes;

2915 (58) "Request for proposals" means all documents, whether attached
2916 or incorporated by reference, utilized for soliciting proposals;

2917 (59) "Responsible bidder" or "responsible proposer" means a person
2918 who has the capability in all respects to perform fully the contract
2919 requirements, and the integrity and reliability which will assure good
2920 faith performance;

2921 (60) "Signature" means signature, as defined in section 1-274 of the
2922 general statutes;

2923 (61) "Specification" means any description of the physical or
2924 functional characteristics, or of the nature of a supply, service or
2925 construction item and includes a description of any requirement for
2926 inspecting, testing or preparing a supply, service or construction item
2927 for delivery;

2928 (62) "State contracting agency", "state agency" or "agency" means
2929 any executive branch agency, each state board, commission,
2930 department, office, institution or council, including but not limited to
2931 constituent units of the state system of higher education; political

2932 subdivisions of the state; and, quasi-public agencies that receive state
2933 funds, that are authorized by law to enter into contracts for goods or
2934 services itself or through its head. "State contracting agency" does not
2935 include the office of the Secretary of the State, the office of the State
2936 Treasurer, the office of the State Comptroller, the office of the Attorney
2937 General or the judicial or legislative branches of the state;

2938 (63) "Subcontractor" means a subcontractor of a contractor for work
2939 under a contract or an amendment to a contract;

2940 (64) "Supplies" means any and all articles of personal property,
2941 including, but not limited to, equipment, materials, printing, insurance
2942 and leases of real property, excluding land or a permanent interest in
2943 land furnished to or used by any state agency, including all printing,
2944 binding, publication of laws, stationery, forms and reports; and

2945 (65) "Surplus supplies" means any supplies other than expendable
2946 supplies no longer having any use to the state including obsolete
2947 supplies, scrap materials and nonexpendable supplies that have
2948 completed their useful life cycle.

2949 Sec. 56. (NEW) (*Effective from passage*) At the initiation of the
2950 purchase of supplies, materials, equipment or contractual services,
2951 including infrastructure facilities and services, each state contracting
2952 agency shall establish a requisition system, subject to the approval of
2953 the Commissioner of Administrative Services.

2954 Sec. 57. (NEW) (*Effective from passage*) (a) Except for such emergency
2955 purchases as are made by a budgeted agency under regulations
2956 adopted by the Commissioner of Administrative Services, no budgeted
2957 agency or any agent of such agency shall incur any obligation, by
2958 order, contract or otherwise, except by the issue of a purchase order or
2959 any other documentation approved by the Comptroller, necessary to
2960 process the transaction transmitted by the budgeted agency or its
2961 agents to the commissioner and the Comptroller, provided the amount
2962 to be charged against the appropriation for a budgeted agency in any

2963 year for a purchase order for a current expenditure shall be the amount
2964 anticipated to be spent in such year. The amount to be charged against
2965 the appropriation for any budgeted agency in any year for a capital
2966 expenditure, including an installment purchase, shall be the state's
2967 total cost for such capital expenditure unless otherwise authorized by
2968 the General Assembly or approved by the Finance Advisory
2969 Committee. Upon the receipt of any such purchase order or any other
2970 documentation approved by the Comptroller necessary to process the
2971 transaction, the Comptroller shall immediately charge the same to the
2972 specific appropriation of the budgeted agency issuing the same and
2973 certify on the face of the purchase order or approve such other
2974 documentation that the purchase is approved and recorded, if the
2975 proposed purchase is within the applicable specific appropriation and
2976 the budgeted agency has unencumbered funds sufficient to defray
2977 such expenditure. In transactions requiring purchase orders, the
2978 Comptroller shall promptly transmit such certified purchase order to
2979 the vendor named in the purchase order.

2980 (b) Notwithstanding the provisions of subsection (a) of this section,
2981 the Comptroller may delegate to any budgeted agency the certification
2982 and transmission requirements of purchase orders using authorized
2983 electronic methods, provided such agency transmits the information
2984 contained in such purchase orders to the Comptroller. Upon receipt of
2985 any such electronic transmission, the Comptroller shall immediately
2986 charge the same to the specific appropriation of the budgeted agency
2987 issuing the same and shall electronically certify that the purchase is
2988 approved and recorded, if the proposed purchase is within the
2989 applicable specific appropriation and the budgeted agency has
2990 unencumbered funds sufficient to defray such expenditure. Upon
2991 receipt of the Comptroller's certification, the budgeted agency shall
2992 transmit the purchase order to the vendor named in the purchase
2993 order.

2994 (c) Notwithstanding the provisions of subsection (a) or (b) of this
2995 section, the Comptroller may allow budgeted agencies to use

2996 purchasing cards for purchases of ten thousand dollars or less. No
2997 budgeted agency, or any official, employee or agent of a budgeted
2998 agency, shall incur any obligation using such a card, except in
2999 accordance with procedures established by the Comptroller.

3000 Sec. 58. (NEW) (*Effective upon passage*) All purchases of, and
3001 contracts for, supplies, materials, equipment and contractual services,
3002 except purchases and contracts made pursuant to the provisions of the
3003 uniform procurement code and public utility services shall be awarded
3004 by one of the following methods, unless otherwise authorized by law:

3005 (a) Competitive sealed bidding as set forth in the uniform
3006 procurement code.

3007 (b) Competitive sealed proposals as set forth in the uniform
3008 procurement code.

3009 (c) Small purchases as set forth in the uniform procurement code.

3010 (d) Sole source procurement as set forth in the uniform procurement
3011 code.

3012 (e) Emergency procurements as set forth in the uniform
3013 procurement code.

3014 (f) Waiver of bid or proposal requirement for extraordinary
3015 conditions as set forth in the uniform procurement code.

3016 (g) Waiver pertaining to the purchase of alternative fuel vehicles
3017 and certain public utility services as set forth in the uniform
3018 procurement code.

3019 (h) Special procurements as set forth in the uniform procurement
3020 code.

3021 Sec. 59. (NEW) (*Effective July 1, 2008*) (a) Contracts and purchase
3022 orders, in an amount in excess of fifty thousand dollars, shall be
3023 awarded by competitive sealed bidding unless the Commissioner of

3024 Administrative Services or other appropriate award authority
3025 determines that an alternate method of source selection, as set forth in
3026 the uniform procurement code.

3027 (b) An invitation for bids shall be issued and shall include a
3028 purchase description, and all contractual terms and conditions
3029 applicable to the procurement.

3030 (c) Adequate public notice of the invitation for bids shall be given
3031 by providing notice of the planned purchase in a form and manner
3032 that the Commission of Administrative Services determines, in
3033 accordance with regulations, will promote competition and maximize
3034 public participation, including participation by small contractors, as
3035 defined in the uniform procurement code.

3036 (1) In the case of an expenditure which is estimated to exceed fifty
3037 thousand dollars, such notice shall be inserted, at least five calendar
3038 days before the final date of submitting bids, in two or more
3039 publications, at least one of which shall be a major daily newspaper
3040 published in the state or shall be posted on the Internet.

3041 (2) Each notice of a planned purchase under this subsection shall
3042 indicate the following:

3043 (A) The type of goods and services to be purchased and the
3044 estimated value of the contract award; and

3045 (B) The state contract requirements concerning nondiscrimination
3046 and affirmative action pursuant to the uniform procurement code and,
3047 when applicable, requirements concerning the awarding of contracts to
3048 small contractors, minority business enterprises, individuals with a
3049 disability and nonprofit corporations pursuant to the uniform
3050 procurement code.

3051 (d) Bids shall be opened publicly in the presence of one or more
3052 witnesses at the time and place designated in the invitation for bids.
3053 The amount of each bid, and such other relevant information as may

3054 be specified by regulation, together with the name of each bidder shall
3055 be recorded; the record and each bid shall be open to public inspection.
3056 Each bid shall be kept sealed or secured until opened publicly at the
3057 time stated in the notice soliciting such bid.

3058 (e) Bids shall be unconditionally accepted without alteration or
3059 correction, except as authorized in this act and the regulations
3060 hereunder. The invitation for bid may set forth the evaluation criteria
3061 to be used. No criteria may be used in a bid evaluation that are not set
3062 forth in the invitation for bids. In the event there is no specific
3063 evaluation criterion set forth in the invitation for bids, evaluation will
3064 be based on a determination of the lowest responsible, qualified and
3065 responsive bidder as set forth in the uniform procurement code.

3066 (1) Bids shall be evaluated by the state contracting agency or
3067 consultants if so designated by the Commissioner of Administrative
3068 Services, based on the requirements set forth in the invitation for bids,
3069 which may include criteria to determine acceptability such as
3070 inspection, testing, quality, workmanship, delivery and suitability for a
3071 particular purpose; and

3072 (2) Those criteria that will affect the bid price and be considered in
3073 evaluation for award shall be objectively measurable, such as
3074 discounts, transportation costs and total or life cycle costs.

3075 (f) Correction or withdrawal of inadvertently erroneous bids before
3076 or after award, or cancellation of awards of contracts or purchase
3077 orders based on such bid mistakes, shall be permitted in accordance
3078 with regulations proposed by the Commissioner of Administrative
3079 Services. Said regulations shall take into consideration preservation of
3080 the integrity of the competitive sealed bidding process under this
3081 chapter.

3082 (1) After bid opening, no changes in bid prices or other provisions of
3083 bids prejudicial to the interest of the state or fair competition shall be
3084 permitted.

3085 (2) Except as otherwise provided by regulation, all decisions to
3086 permit the correction or withdrawal of bids, or cancel awards of
3087 contracts or purchase orders based on bid mistakes shall be supported
3088 by a written determination made by the Commissioner of
3089 Administrative Services.

3090 (g) (1) The contract shall be awarded with reasonable promptness
3091 by written notice to the lowest responsible, qualified bidder whose bid
3092 meets the requirements and evaluation criteria set forth in the
3093 invitation for bids, taking into consideration the following: The
3094 qualities of the articles to be supplied, their conformity with the
3095 specifications, their suitability to the requirements of the state
3096 government and the delivery terms being taken into consideration
3097 and, at the discretion of the Commissioner of Administrative Services,
3098 life-cycle costs and trade-in or resale value of the articles may be
3099 considered where it appears to be in the best interest of the state.

3100 (A) In considering past performance of a bidder for the purpose of
3101 determining the "lowest responsible qualified bidder" or the "highest
3102 scoring bidder in a multiple criteria bid", the commissioner shall
3103 evaluate the skill, ability and integrity of the bidder in terms of the
3104 bidder's fulfillment of past contract obligations and the bidder's
3105 experience or lack of experience in delivering supplies, materials,
3106 equipment or contractual services of the size or amount for which bids
3107 have been solicited.

3108 (B) In determining the lowest responsible qualified bidder for the
3109 purposes of this section, the commissioner may give a price preference
3110 of up to ten per cent for:

3111 (i) The purchase of goods made with recycled materials or the
3112 purchase of recyclable or remanufactured products if the
3113 commissioner determines that such preference would promote
3114 recycling or remanufacturing. As used in this subsection, "recyclable"
3115 means able to be collected, separated or otherwise recovered from the
3116 solid waste stream for reuse, or for use in the manufacture or assembly

3117 of another package or product, by means of a recycling program which
3118 is reasonably available to at least seventy-five per cent of the state's
3119 population, "remanufactured" means restored to its original function
3120 and thereby diverted from the solid waste stream by retaining the bulk
3121 of components that have been used at least once and by replacing
3122 consumable components and "remanufacturing" means any process by
3123 which a product is remanufactured;

3124 (ii) The purchase of motor vehicles powered by a clean alternative
3125 fuel; or

3126 (iii) The purchase of motor vehicles powered by fuel other than a
3127 clean alternative fuel and conversion equipment to convert such motor
3128 vehicles allowing the vehicles to be powered by either the exclusive
3129 use of clean alternative fuel or dual use of a clean alternative fuel and a
3130 fuel other than a clean alternative fuel. As used in this subsection,
3131 "clean alternative fuel" shall mean natural gas or electricity when used
3132 as a motor vehicle fuel.

3133 (C) All other factors being equal, preference shall be given to
3134 supplies, materials and equipment produced, assembled or
3135 manufactured in the state and services originating and provided in the
3136 state.

3137 (2) Unless otherwise prohibited by federal or state law, regulation or
3138 agency requirement, with respect to construction projects only, the
3139 Commissioner of relevant state contracting agency, subject to approval
3140 by the State Contracting Standards Board, is authorized to negotiate an
3141 adjustment of the bid price, including changes in the bid requirements,
3142 with the low responsible and responsive bidder, in order to bring the
3143 bid within the amount of available funds, in the event:

3144 (A) All bids for a construction project exceed available funds as
3145 certified by the head of the state contracting agency;

3146 (B) The low responsible and responsive bid does not exceed such
3147 funds by more than five per cent; and

3148 (C) The time or economic considerations preclude resolicitation of
3149 work of a reduced scope.

3150 (3) If any such bidder refuses to accept, within ten days, a contract
3151 awarded to such bidder, such contract may be awarded to the next
3152 lowest responsible qualified bidder or the next highest scoring bidder
3153 in a multiple criteria bid, whichever is applicable, and so on until such
3154 contract is awarded and accepted.

3155 (4) A contract valued at one million dollars or more shall be
3156 awarded to a bidder other than the lowest responsible qualified bidder
3157 or the highest scoring bidder in a multiple criteria bid, whichever is
3158 applicable, only with written approval signed by the Commissioner of
3159 Administrative Services and by the Comptroller.

3160 (h) When it is considered impractical to initially issue an invitation
3161 for bid, the Commissioner of Administrative Services may issue a
3162 request for information or request for proposals or request for
3163 qualifications as the first step in the process, to be followed by an
3164 invitation for bids which may be limited to those bidders who have
3165 been qualified under the criteria set forth in the first solicitation.

3166 (i) The Commissioner of Administrative Services may issue a
3167 request for information for a multiple criteria bid. The contract shall be
3168 awarded to the highest scoring bidder in a multiple criteria bid, in
3169 accordance with the criteria set forth in the bid solicitation for the
3170 contract. The Commissioner of Administrative Services shall adopt
3171 regulations, in accordance with the provisions of chapter 54 of the
3172 general statutes, indicating the types of objective criteria that the
3173 commissioner may use in determining the highest scoring bidder in a
3174 multiple criteria bid under this section. Said commissioner shall
3175 submit a report on such date, concerning the status of the adoption of
3176 said regulations by the commissioner, to the joint standing committee
3177 of the General Assembly having cognizance of matters relating to
3178 government administration.

3179 Sec. 60. (NEW) (*Effective July 1, 2008*) (a) (1) A contract may be
3180 entered into by competitive sealed proposals when the Commissioner
3181 of Administrative Services or other appropriate award authority
3182 determines in writing, pursuant to regulations, that the use of
3183 competitive sealed bidding is either not practicable or not
3184 advantageous to the state.

3185 (2) The Commissioner of Administrative Services may adopt
3186 regulations, in accordance with chapter 54 of the general statutes, that
3187 establish the criteria in determining when competitive sealed bidding
3188 to procure specified types of supplies, services or construction that is
3189 either not practicable or not advantageous to the state.

3190 (3) Contracts for the project delivery methods specified in the
3191 uniform procurement code shall be entered into by competitive sealed
3192 proposals, except as otherwise provided in the uniform procurement
3193 code.

3194 (b) Proposals shall be solicited through a request for proposals, as
3195 required by the Commissioner of Administrative Services, a request
3196 for information, request for quotation or request for qualifications or
3197 other forms of solicitation may be utilized to ascertain information or
3198 to establish qualifications for the request for proposals. The
3199 solicitations shall also contain, among other things, a description of the
3200 projected scope of services or system requirements, a notice of
3201 mandatory state contractual provisions or terms and conditions
3202 required by this chapter or federal agencies. Services shall be selected
3203 on the basis of a request for proposals. Each request for proposals for
3204 "design plus" contract:

3205 (1) Shall include design requirements;

3206 (2) Shall solicit proposal development documents; and

3207 (3) May, when the relevant state contracting agency determines that
3208 the cost of procuring proposals is high in view of the size, estimated
3209 price and complexity of the procurement:

3210 (A) Prequalify proposers by issuing a request for qualifications in
3211 advance of the request for proposals; and

3212 (B) Select a short list of responsible proposers prior to discussions
3213 and evaluations under this act, provided that the number of proposals
3214 short listed is stated in the request for proposals and prompt public
3215 notice is given to all proposers as to which proposals are short listed.

3216 (c) Adequate public notice of the request for proposals, request for
3217 information or request for qualifications shall be given in the same
3218 manner as provided for in the uniform procurement code.

3219 (d) Proposals shall be opened so as to avoid disclosure of contents to
3220 competing proposers during the process of negotiation. A register of
3221 proposals shall be prepared in accordance with regulations and shall
3222 be opened for public inspection after contract award, with the
3223 exception of confidential trade and business information withheld in
3224 accordance with the general statutes.

3225 (e) The request for proposals shall state the relative importance of
3226 price and other factors and subfactors, if any.

3227 (f) As provided in the request for proposals, and under regulations,
3228 discussions may be conducted with responsible proposers who submit
3229 proposals determined to be reasonably susceptible of being selected
3230 for award for the purpose of clarification to assure full understanding
3231 of, and responsiveness to, the solicitation requirements.

3232 (1) Proposers shall be accorded fair and equal treatment with
3233 respect to any opportunity for discussion and revision of proposals,
3234 and such revisions may be permitted after submission and prior to
3235 award for the purpose of obtaining best and final offers.

3236 (2) In conducting discussions, there shall be no disclosure of any
3237 information derived from proposals submitted by competing
3238 proposers, except for such information which may be disclosed by law.

3239 (3) Proposals shall be evaluated only on the basis of evaluation
3240 factors stated in the request for proposals. The following factors may
3241 be appropriate to use in conducting the evaluation. The relative
3242 importance of these and other factors will vary according to the type of
3243 supplies, materials, equipment or contractual services being procured.
3244 Notwithstanding any provision of the general statutes to the contrary,
3245 each state contracting agency awarding a contract through competitive
3246 negotiation shall include price as an explicit factor in the criteria in the
3247 request for proposals and for the contract award.

3248 (4) All proposals submitted as provided in the uniform procurement
3249 code shall be based on such standard specifications as may be adopted
3250 by the Commissioner of Administrative Services, the commissioner's
3251 designee or such other head of a state contracting agency as may be
3252 authorized by the uniform procurement code. Proposers shall submit
3253 with their responses essential information concerning their
3254 qualifications, in such form as the commissioner may require by
3255 specification in the request documents. The commissioner may, after
3256 adopting the regulations required by the uniform procurement code,
3257 waive minor irregularities in proposals if the commissioner determines
3258 that such a waiver would be in the best interest of the state. The
3259 commissioner shall state the reasons for any such waiver in writing
3260 and include such statement in the contract file.

3261 (g) Notwithstanding any provision of the general statutes, a
3262 constituent unit of the state system of higher education or an
3263 institution of the Connecticut State University system, may purchase,
3264 by negotiation, supplies, materials, equipment and contractual
3265 services, as defined in section 55 of this act, for the constituent unit or
3266 institution, as appropriate, when the supplies, materials, equipment or
3267 contractual services (1) are required to implement a grant, contract or
3268 financial agreement between the constituent unit or institution, as
3269 appropriate, and the donor of funds or other things of value which are
3270 given with an obligation for service primarily to the donor by the
3271 constituent unit or institution, as appropriate, and (2) are specified in

3272 such grant, contract or financial agreement.

3273 (h) (1) Award shall be made to the responsible proposer whose
3274 proposal is deemed by the commissioner, designee or such other head
3275 of a state contracting agency as may be authorized by this act or
3276 designated by the Commissioner of Administrative Services, to be the
3277 most advantageous to the state, in accordance with the criteria set forth
3278 in the request for proposals, including price and evaluation factors and
3279 conforms to the solicitation and is determined in writing to be the most
3280 advantageous to the state taking into consideration price and the
3281 evaluation factors set forth in the request for proposals. No other
3282 factors or criteria shall be used in the evaluation. The contract file shall
3283 contain the basis on which the award is made. Written notice of the
3284 award of a contract to the successful proposer shall be promptly given
3285 to all proposers. If any such proposer refuses to accept, within ten
3286 days, a contract awarded to such proposer, such contract shall be
3287 awarded to the next most advantageous proposer, and so on until the
3288 contract is awarded and accepted.

3289 (2) No other factors or criteria, not included in the request for
3290 proposals, shall be used in the evaluation.

3291 (3) The contract or purchase order files shall contain the basis on
3292 which the award is made.

3293 (4) Written notice of the award of a contract or purchase order to the
3294 successful proposer shall be promptly given to all proposers. The
3295 contracting officials are authorized to provide debriefings that furnish
3296 the basis for the source selection decision and contract award.

3297 Sec. 61. (NEW) (*Effective July 1, 2008*) (a) Any procurement not
3298 exceeding fifty thousand dollars may be made in accordance with
3299 small purchase procedures, provided procurement requirements shall
3300 not be artificially divided so as to constitute a small purchase under
3301 this section.

3302 (1) The Commissioner of Administrative Services or other

3303 appropriate award authority shall award the contract to the lowest
3304 responsible bidder. If the contract is not given to the lowest responsible
3305 bidder, a written explanation shall be made by the commissioner and
3306 be filed as a public record with the other documents pertinent to the
3307 transaction.

3308 (2) The Commissioner of Administrative Services has the authority
3309 to determine that a state contracting agency has artificially divided
3310 procurement requirements so as to constitute a small purchase under
3311 this section and thereby prohibit the state contracting agency from
3312 utilizing the small purchase procedures.

3313 (b) The Commissioner of Administrative Services or other
3314 appropriate award authority may, at his or her discretion, waive the
3315 requirement of competitive bidding or competitive negotiation in the
3316 case of minor, non-recurring and emergency purchases of ten
3317 thousand dollars or less in amount.

3318 Sec. 62. (NEW) (*Effective July 1, 2008*) (a) Notwithstanding any other
3319 provision of the uniform procurement code, the Commissioner of
3320 Administrative Services, or other appropriate award authority, may
3321 make emergency procurements when there exists a threat to public
3322 health, welfare or safety under emergency conditions as defined in
3323 regulations, provided such emergency procurements shall be made
3324 with such competition as is practicable under the circumstances.

3325 (b) A written determination of the basis for the emergency and for
3326 the selection of the particular contractor shall be included in the
3327 contract file and transmitted to the Governor, the president pro
3328 tempore of the Senate, the majority and minority leaders of the Senate,
3329 the speaker of the House of Representatives and the majority and
3330 minority leaders of the House of Representatives.

3331 (c) Such determination shall be based upon need and shall not be
3332 utilized in order to satisfy preferences or convenience of the state
3333 contracting agency, for preventing funds from lapsing at the end of a

3334 fiscal year or for any reason that would circumvent the procurement
3335 methods set forth in the uniform procurement code.

3336 Sec. 63. (NEW) (*Effective July 1, 2008*) (a) There shall be a
3337 Standardization Committee that shall consist of the Commissioner of
3338 Administrative Services, the Comptroller or the Comptroller's
3339 designee, the Treasurer or the Treasurer's designee, and such
3340 administrative heads of state departments or their authorized agents as
3341 designated by the Governor.

3342 (b) Whenever an emergency exists by reason of extraordinary
3343 conditions or contingencies that could not reasonably be foreseen and
3344 guarded against, or because of unusual trade or market conditions, the
3345 Commissioner of Administrative Services or, in the case of purchases,
3346 leases and contracts for information systems, information technology
3347 personal property and telecommunications systems, the Chief
3348 Information Officer may, upon a determination that it is in the best
3349 interest of the state, waive the competitive bid or proposal
3350 requirements of the uniform procurement code. If any such
3351 procurement is estimated to cost fifty thousand dollars or more, such
3352 waiver shall be subject to the approval of the Standardization
3353 Committee. A statement of all purchases made under the provisions of
3354 this section shall be contained in the annual report of the
3355 Commissioner of Administrative Services.

3356 (c) Any determination described in subsection (b) of this section
3357 shall be based upon need and shall not be utilized in order to satisfy
3358 preferences or convenience of the state contracting agency, for
3359 preventing funds from lapsing at the end of a fiscal year or for any
3360 reason that would circumvent the procurement methods set forth in
3361 the uniform procurement code.

3362 (d) The Commissioner of Administrative Services, the
3363 Commissioner of Transportation, the Commissioner of Public Works
3364 or the Chief Information Officer may, at his or her discretion, waive
3365 the requirement of competitive bidding or competitive negotiation in

3366 the case of minor, nonrecurring and emergency purchases of ten
3367 thousand dollars or less.

3368 Sec. 64. (NEW) (*Effective July 1, 2008*) Notwithstanding any other
3369 provision of the uniform procurement code, the Commissioner of
3370 Administrative Services may, with prior public notice, initiate a
3371 procurement above the small purchase amount specified in the
3372 uniform procurement code whenever the commissioner determines,
3373 with the concurrence of the State Contracting Standards Board, that an
3374 unusual or unique situation exists that makes the application of all
3375 requirements of competitive sealed bidding or competitive sealed
3376 proposals contrary to the public interest. Any special procurement
3377 under this section shall be made with such level of competition as is
3378 practicable under the circumstances. A written determination of the
3379 basis for the procurement and for the selection of the particular
3380 contractor shall be included by the commissioner in the contract file,
3381 and a report shall be made publicly available annually describing all
3382 such determinations made subsequent to the prior report.

3383 Sec. 65. (NEW) (*Effective July 1, 2008*) (a) Any invitation for bids, any
3384 request for proposals, or other solicitation may be cancelled, or any or
3385 all bids or proposals may be rejected in whole or in part as may be
3386 specified in the solicitation, when, in the opinion of the Commissioner
3387 of Administrative Services, the best interests of the state will be served.
3388 The reasons for such cancellation shall be made part of the contract file
3389 and shall be sent to the State Contracting Standards Board.

3390 (b) If all such bids or proposals are so rejected, the commissioner
3391 shall advertise again for bids or proposals and such bids or proposals
3392 shall be opened, awarded and approved in like manner as provided in
3393 the uniform procurement code.

3394 (c) If all such bids or proposals received on a pending contract are
3395 for the same unit price or total amount and no distinction can be made
3396 in favor of supplies, materials and equipment produced, assembled or
3397 manufactured in the state or services originating and provided in the

3398 state, the commissioner shall have authority to order the rejection of all
3399 bids or proposals and to order the purchase of the required supplies,
3400 materials, equipment or contractual services in the open market,
3401 provided the price paid in the open market shall not exceed the bid or
3402 proposal price.

3403 (d) The commissioner may reserve the right to award by item, or
3404 part thereof, groups of items, or parts thereof, or all items of the bid, to
3405 reject any and all bids in whole or in part, to waive minor irregularities
3406 and omissions and permit the bidder or responder to correct them if, in
3407 the commissioner's judgment, the best interest of the state will be
3408 served.

3409 Sec. 66. (NEW) (*Effective July 1, 2008*) (a) A written determination of
3410 nonresponsibility of a bidder or proposer shall be made in accordance
3411 with regulations adopted by the board. The unreasonable failure of a
3412 bidder or proposer to promptly supply information in connection with
3413 an inquiry with respect to responsibility may be grounds for a
3414 determination of nonresponsibility with respect to such bidder or
3415 proposer.

3416 (1) For the purpose of indicating the types of objective criteria in
3417 determining the lowest responsible qualified bidder, as defined in the
3418 uniform procurement code, or the best proposer, the invitation to bid
3419 or request for proposals shall state the evaluation factors, including
3420 price, and their relative importance. Past performance and financial
3421 responsibility shall always be factors in making such determination.

3422 (2) There shall be a written evaluation made of each bid and
3423 proposal. This evaluation shall identify the vendors and their
3424 respective costs and prices, document the reason why any vendor is
3425 deemed to be nonresponsive and recommend a vendor for award.

3426 (b) Confidential information furnished by a bidder or offer or
3427 pursuant to this section shall not be disclosed outside of the
3428 Department of Administrative Services, the State Contracting Agency

3429 or State Contracting Standards Board without prior written consent by
3430 the bidder or proposer.

3431 Sec. 67. (NEW) (*Effective July 1, 2008*) Prospective suppliers may be
3432 prequalified for particular types of supplies, services, and construction.
3433 The method of submitting prequalification information and the
3434 information required in order to be prequalified shall be determined
3435 by the Commissioner of Administrative Services following
3436 consultation with the heads of all affected state contracting agencies.

3437 Sec. 68. (NEW) (*Effective July 1, 2008*) (a) Any contract for the
3438 construction, reconstruction, alteration, remodeling, repair or
3439 demolition of any public building for work by the state, which is
3440 estimated to cost more than five hundred thousand dollars, except:

3441 (1) A contract awarded by the Commissioner of Public Works for
3442 (A) a community court project; (B) the downtown Hartford higher
3443 education center project; (C) a correctional facility project; (D) a
3444 juvenile detention center project; or (E) a student residential facility for
3445 the Connecticut State University system that is a priority higher
3446 education facility project, as defined in the uniform procurement code;
3447 or

3448 (2) A project, as defined in subdivision (16) of section 10a-109c of the
3449 general statutes, undertaken and controlled by The University of
3450 Connecticut in accordance with section 10a-109n of the general
3451 statutes, shall be awarded to the lowest responsible and qualified
3452 general bidder who is prequalified pursuant the uniform procurement
3453 code on the basis of competitive bids in accordance with the
3454 procedures set forth in the uniform procurement code, after the
3455 Commissioner of Public Works or, in the case of a contract for the
3456 construction of or work on a building under the supervision and
3457 control of the Joint Committee on Legislative Management of the
3458 General Assembly, the joint committee or, in the case of a contract for
3459 the construction of or work on a building under the supervision and
3460 control of one of the constituent units of the state system of higher

3461 education, the constituent unit, has invited such bids by
3462 advertisements inserted at least once in one or more newspapers
3463 having a circulation in each county in the state. The Commissioner of
3464 Public Works, the joint committee or the constituent unit, as the case
3465 may be, shall indicate the prequalification classification required for
3466 the contract in such advertisement. As used in this section,
3467 "prequalification classification" means the prequalification
3468 classifications established by the Commissioner of Administrative
3469 Services pursuant to the uniform procurement code.

3470 (b) The Commissioner of Public Works, the joint committee or the
3471 constituent unit, as the case may be, shall determine the manner of
3472 submission and the conditions and requirements of such bids, and the
3473 time within which the bids shall be submitted, consistent with the
3474 provisions of sections 4b-91 to 4b-96, inclusive, of the general statutes
3475 subject to approval by the State Contracting Standards Board. Such
3476 award shall be made not later than sixty days after the opening of such
3477 bids. If the general bidder selected as the general contractor fails to
3478 perform the general contractor's agreement to execute a contract in
3479 accordance with the terms of the general contractor's general bid and
3480 furnish a performance bond and also a labor and materials or payment
3481 bond to the amount specified in the general bid form, an award shall
3482 be made to the next lowest responsible and qualified general bidder.
3483 No employee of the Department of Public Works, the joint committee
3484 or a constituent unit with decision-making authority concerning the
3485 award of a contract and no public official, as defined in section 1-79 of
3486 the general statutes, may communicate with any bidder prior to the
3487 award of the contract if the communication results in the bidder
3488 receiving information about the contract that is not available to other
3489 bidders, except that if the lowest responsible and qualified bidder's
3490 price submitted is in excess of funds available to make an award, the
3491 Commissioner of Public Works, the Joint Committee on Legislative
3492 Management or the constituent unit, as the case may be, may negotiate
3493 with such bidder and award the contract on the basis of the funds
3494 available, without change in the contract specifications, plans and

3495 other requirements. If the award of a contract on said basis is refused
3496 by such bidder, the Commissioner of Public Works, the Joint
3497 Committee on Legislative Management or the constituent unit, as the
3498 case may be, may negotiate with other contractors who submitted bids
3499 in ascending order of bid prices without change in the contract,
3500 specifications, plans and other requirements. In the event of
3501 negotiation with general bidders as provided in this section, the
3502 general bidder involved may negotiate with subcontractors on the
3503 same basis, provided such general bidder shall negotiate only with
3504 subcontractors named on such general bidder's general bid form.

3505 (c) No person may bid on a contract or perform work pursuant to a
3506 contract, except for a project described in subdivision (2) of subsection
3507 (a) of this section, for the construction, reconstruction, alteration,
3508 remodeling, repair or demolition of any public building for work by
3509 the state or a municipality, which is estimated to cost more than five
3510 hundred thousand dollars and is paid for, in whole or in part, with
3511 state funds, unless the person is prequalified in accordance with the
3512 uniform procurement code.

3513 (d) Each bid submitted for a contract described in subsection (c) of
3514 this section shall include a copy of a prequalification certificate issued
3515 by the Commissioner of Administrative Services. The bid shall also be
3516 accompanied by an update bid statement in such form as the
3517 Commissioner of Administrative Services prescribes. The form for
3518 such update bid statement shall provide space for information
3519 regarding all bonded projects completed by the bidder since the date
3520 the bidder's prequalification certificate was issued or renewed, all
3521 bonded projects the bidder currently has under contract, including the
3522 percentage of work on such projects not completed, the names and
3523 qualifications of the personnel who will have supervisory
3524 responsibility for the performance of the contract, any significant
3525 changes in the bidder's financial position or corporate structure since
3526 the date the certificate was issued or renewed, any change in the
3527 contractor's qualification status as determined by the provisions of the

3528 uniform procurement code and such other relevant information as the
3529 Commissioner of Administrative Services prescribes. Any bid
3530 submitted without a copy of the prequalification certificate and an
3531 update statement shall be invalid. Any public agency that awards a
3532 contract to a bidder who failed to submit a copy of such
3533 prequalification certificate and an update bid statement, as required by
3534 this section, shall be ineligible for the receipt of any state funds related
3535 to such bid.

3536 (e) Any person who bids on a contract described in subsection (c) of
3537 this section shall certify under penalty of false statement at the
3538 conclusion of the bidding process that the information in the bid is
3539 true, that there has been no substantial change in the bidder's financial
3540 position or corporate structure since the bidder's most recent
3541 prequalification certificate was issued or renewed, other than those
3542 changes noted in the update bid statement, and that the bid was made
3543 without fraud or collusion with any person.

3544 (f) Any person who receives information from a state employee or
3545 public official that is not available to the general public concerning any
3546 construction, reconstruction, alteration, remodeling, repair or
3547 demolition project on a public building prior to the date that an
3548 advertisement for bids on the project is published shall be disqualified
3549 from bidding on the project.

3550 (g) Notwithstanding the provisions of this section regarding
3551 competitive bidding procedures, the Commissioner of Administrative
3552 Services may select and interview at least three responsible and
3553 qualified general contractors who are prequalified pursuant to the
3554 uniform procurement code and submit the three selected contractors to
3555 the construction services award panel's process described in the
3556 uniform procurement code and any regulation adopted by the
3557 commissioner. The commissioner may negotiate with the successful
3558 bidder a contract which is both fair and reasonable to the state for a
3559 community court project; the downtown Hartford higher education
3560 center project; a correctional facility project; a juvenile detention center

3561 project; or a student residential facility for the Connecticut State
3562 University system that is a priority higher education facility project, as
3563 defined in the uniform procurement code. The Commissioner of Public
3564 Works, prior to entering any such contract or performing any work on
3565 such project, shall submit such contract to the State Properties Review
3566 Board for review and approval or disapproval by the board, pursuant
3567 to subsection (i) of this section. Any general contractor awarded a
3568 contract pursuant to this subsection shall be subject to the same
3569 requirements concerning the furnishing of bonds as a contractor
3570 awarded a contract pursuant to subsection (b) of this section.

3571 (h) Any agency that seeks to have a project awarded without being
3572 subject to competitive bidding procedures shall certify to the joint
3573 committee of the General Assembly having cognizance of matters
3574 relating to government administration that the project is of such an
3575 emergency nature that an exception to the competitive bidding
3576 procedures of this section is required. Such certification shall include
3577 input from all affected agencies, detail the need for the exception and
3578 include any relevant documentation.

3579 (i) The General Assembly may approve legislation authorizing an
3580 exception to the competitive bidding process for a project, provided
3581 such legislation is approved, in whole, by a two-thirds vote of the
3582 members of each house of the General Assembly. If rejected, the
3583 legislation proposing an exception for such project shall not be valid
3584 and shall not be implemented. The legislation shall be deemed rejected
3585 if the General Assembly fails to vote to approve or reject the legislation
3586 (1) prior to the adjournment of the regular session of the General
3587 Assembly during which the legislation is filed, (2) prior to the
3588 adjournment of the next regular session of the General Assembly
3589 following the date on which the legislation is filed if the General
3590 Assembly is not in regular session on such date, or (3) prior to the
3591 adjournment of a special session convened before the next regular
3592 session of the General Assembly for the purpose of considering the
3593 legislation if the General Assembly is not in regular session on the date

3594 on which the legislation is filed. However, if the legislation is filed less
3595 than thirty days before the end of a regular session, the General
3596 Assembly may vote to approve or reject the legislation (A) not later
3597 than thirty days after the first day of a special session convened before
3598 the next regular session of the General Assembly for the purpose of
3599 considering the legislation, or (B) not later than thirty days after the
3600 first day of the next regular session of the General Assembly. In the
3601 event that the General Assembly approves legislation authorizing an
3602 exception to the competitive bidding process for a project, the State
3603 Properties Review Board shall complete a review of the contract for
3604 such project and approve or disapprove such contract no later than
3605 thirty days after the Commissioner of Public Works submits such
3606 contract to the board. Such review shall be conducted in accordance
3607 with the provisions of section 4b-3 of the general statutes. On and after
3608 October 1, 2008, such review shall be conducted by the applicable
3609 subcommittee of the State Contracting Standards Board. In the event
3610 that such review does not occur within the thirty-day period
3611 prescribed by this subsection, such contract shall be deemed to be
3612 approved.

3613 (j) On and after July 1, 2007, no person whose subcontract exceeds
3614 five hundred thousand dollars in value may perform work as a
3615 subcontractor, except for a project described in subdivision (2) of
3616 subsection (a) of this section, for the construction, reconstruction,
3617 alteration, remodeling, repair or demolition of any public building for
3618 work by the state or a municipality, which is estimated to cost more
3619 than five hundred thousand dollars and is paid for, in whole or in part,
3620 with state funds, unless the person is prequalified in accordance with
3621 the uniform procurement code.

3622 Sec. 69. (NEW) (*Effective July 1, 2008*) As used in the uniform
3623 procurement code and except as otherwise provided, the words
3624 "lowest responsible and qualified bidder" shall mean the bidder who is
3625 prequalified pursuant the uniform procurement code, and whose bid
3626 is the lowest of those bidders possessing the skill, ability and integrity

necessary to faithful performance of the work based on objective criteria considering past performance and information contained in the update statement submitted pursuant to the uniform procurement code. Essential information in regard to such qualifications shall be submitted with the bid in such form as the awarding authority may require by specification in the bid documents and on the bid form. Every general bid shall be accompanied by a bid bond or a certified check in an amount which shall be ten per cent of the bid, provided no such bid bond or certified check shall be required in relation to any general bid in which the total estimated cost of labor and materials under the contract with respect to which such general bid is submitted is less than fifty thousand dollars. Failure to execute a contract awarded as specified and bid shall result in the forfeiture of such bid bond or certified check. In considering past performance the awarding authority shall evaluate the skill, ability and integrity of bidders in terms of the bidders' fulfillment of contract obligations and of the bidders' experience or lack of experience with projects of the nature and scope of the project for which the bids are submitted.

Sec. 70. (NEW) (*Effective July 1, 2008*) (a) Every contract subject to the uniform procurement code shall include plans and specifications detailing all labor and materials to be furnished thereunder. Such specifications shall have a separate section for each of the following classes of work if, in the estimate of the awarding authority, the class of work will exceed twenty-five thousand dollars: (1) Masonry work; (2) electrical work; (3) mechanical work other than heating, ventilating and air conditioning work; and (4) heating, ventilating and air conditioning work. Such specifications shall also have a separate section for each other class of work for which the awarding authority deems it necessary or convenient.

(b) Each separate section in the specifications provided for by this section shall specify by number each sheet of plans showing work to be done by the subcontractor under this section, and shall require the subcontractor to install all materials to be furnished under this section

3660 other than materials which, in the opinion of the awarding authority, it
3661 is not customary under current trade practices for such subcontractor
3662 to install and the installation of which is expressly required by another
3663 section of the specifications. Each class of work set forth in a separate
3664 section of the specifications pursuant to this section shall be a sub trade
3665 designated in the general bid form and shall be the matter of a
3666 subcontract made in accordance with the procedure set forth in the
3667 uniform procurement code.

3668 (c) Whenever the awarding authority has designated a separate
3669 section for a class of work, under subsection (a) of this section, the
3670 general contractor shall, when applicable, state as part of its
3671 application for partial payment that it considers the work required to
3672 be done under any such separate section to be fully completed in
3673 accordance with the terms of the contract. The awarding authority
3674 shall thereupon conduct an inspection of the work in such class, and if
3675 it finds that such work has been fully completed in accordance with
3676 the terms of the contract, it shall issue a statement certifying that such
3677 work is accepted as fully completed, and shall pay the general
3678 contractor in full for such work.

3679 Sec. 71. (NEW) (*Effective July 1, 2008*) (a) As used in this section: (1)
3680 "Prequalification" means prequalification issued by the Commissioner
3681 of Administrative Services to bid on a contract or perform work
3682 pursuant to a contract for the construction, reconstruction, alteration,
3683 remodeling, repair or demolition of any public building by the state or
3684 a municipality or to perform work under such a contract as a
3685 substantial subcontractor; (2) "subcontractor" means a person who
3686 performs work with a value in excess of twenty-five thousand dollars
3687 for a contractor pursuant to a contract for work for the state or a
3688 municipality which is estimated to cost more than five hundred
3689 thousand dollars; (3) "principals and key personnel" includes officers,
3690 directors, shareholders, members, partners and managerial employees;
3691 (4) "aggregate work capacity rating" means the maximum amount of
3692 work an applicant is capable of undertaking for any and all projects;

3693 (5) "single project limit" means the highest estimated cost of a single
 3694 project that an applicant is capable of undertaking; (6) "contract"
 3695 means an agreement for work for the state or a municipality that is
 3696 estimated to cost more than five hundred thousand dollars and is
 3697 funded, in whole or in part, by state funds; (7) "public building" means
 3698 a structure, paid for in whole or in part with state funds, with a roof
 3699 and exterior walls or fire walls and includes, but is not limited to,
 3700 sewage treatment plants, water treatment plants, sewer or drainage
 3701 systems, pump houses and other utility systems, and (8) "substantial
 3702 subcontractor" means a person who performs work with a value in
 3703 excess of five hundred thousand dollars for a contractor pursuant to a
 3704 contract for work for the state or a municipality which is estimated to
 3705 cost more than five hundred thousand dollars.

3706 (b) (1) Any person may apply for prequalification to the Department
 3707 of Administrative Services. Such application shall be made on such
 3708 form as the Commissioner of Administrative Services prescribes and
 3709 shall be accompanied by a nonrefundable application fee as set forth in
 3710 subdivision (2) of this subsection. The application shall be signed
 3711 under penalty of false statement.

3712 (2) The application fee shall be as follows:

3713 Aggregate Work Capacity Rating Fee

3714 \$ 5,000,000. 00 or less \$ 600. 00

3715 \$ 5,000,000. 01 - \$ 8,000,000. 00 \$ 750. 00

3716 \$ 8,000,000. 01 - \$ 10,000,000. 00 \$ 850. 00

3717 \$ 10,000,000. 01 - \$ 15,000,000. 00 \$ 1,000. 00

3718 \$ 15,000,000. 01 - \$ 20,000,000. 00 \$ 1,500. 00

3719 \$ 20,000,000. 01 - \$ 40,000,000.00 \$ 2,000.00

3720 \$ 40,000,000.01 or more \$ 2,500.00

3721 (c) The application form shall, at a minimum, require the applicant
3722 to supply information concerning:

3723 (1) The applicant's form of organization;

3724 (2) The applicant's principals and key personnel and any names
3725 under which the applicant, principals or key personnel conducted
3726 business during the past five years;

3727 (3) Any legal or administrative proceedings pending or concluded
3728 adversely against the applicant or any of the applicant's principals or
3729 key personnel within the past five years which relate to the
3730 procurement or performance of any public or private construction
3731 contract and whether the applicant is aware of any investigation
3732 pending against the applicant or any principal or key personnel;

3733 (4) The nature of any financial, personal or familial relationship
3734 between the applicant and any public or private construction project
3735 owner listed on the application as constituting construction experience;

3736 (5) A statement of whether (A) the applicant has been disqualified
3737 pursuant to section 4b-95 of the general statutes, this section or the
3738 uniform procurement code, (B) the applicant is on the list distributed
3739 by the Labor Commissioner pursuant to the uniform procurement
3740 code, (C) the applicant is disqualified or prohibited from being
3741 awarded a contract pursuant to the uniform procurement code, (D) the
3742 applicant has been disqualified by another state, (E) the applicant has
3743 been disqualified by a federal agency or pursuant to federal law, (F)
3744 the applicant's registration has been suspended or revoked by the
3745 Department of Consumer Protection pursuant to section 20-341gg of
3746 the general statutes, (G) the applicant has been disqualified by a
3747 municipality, and (H) the matters that gave rise to any such
3748 disqualification, suspension or revocation have been eliminated or
3749 remedied; and

3750 (6) Other information as the commissioner deems relevant to the
3751 determination of the applicant's qualifications and responsibilities.

3752 (d) The applicant shall include a statement of financial condition
3753 prepared by a certified public accountant which includes information
3754 concerning the applicant's assets and liabilities, plant and equipment,
3755 bank and credit references, bonding company and maximum bonding
3756 capacity, and other information as the commissioner deems relevant to
3757 an evaluation of the applicant's financial capacity and responsibility.

3758 (e) Information contained in the application shall be current as of
3759 the time of filing except that the statement of financial condition shall
3760 pertain to the applicant's most recently-completed fiscal year.

3761 (f) The commissioner shall determine whether to prequalify an
3762 applicant on the basis of the application and on relevant past
3763 performance according to procedures and criteria set forth in
3764 regulations which the commissioner shall adopt, in accordance with
3765 chapter 54 of the general statutes. Such criteria shall include, at a
3766 minimum, the record of the applicant's performance, including, but
3767 not limited to, written evaluations of the applicant's performance on
3768 public or private projects the applicant's past experience on projects of
3769 various size and type, the skill, ability and integrity of the applicant
3770 and any subcontractors used by the applicant, the experience and
3771 qualifications of supervisory personnel employed by the applicant, the
3772 maximum amount of work the applicant is capable of undertaking as
3773 demonstrated by the applicant's financial condition, bonding capacity,
3774 size of past projects and present and anticipated work commitments,
3775 and any other relevant criteria that the commissioner prescribes. Such
3776 regulations shall also (1) provide that the criteria considered shall be
3777 assigned separate designated numerical values and weights and that
3778 the applicant shall be assigned an overall numerical rating on the basis
3779 of all criteria, and (2) establish prequalification classifications,
3780 aggregate work capacity ratings and single project limits. Such
3781 prequalification classifications shall be used to establish the types of
3782 work a contractor or substantial subcontractor is qualified to perform
3783 and the aggregate work capacity ratings shall be used to establish the
3784 maximum amount of work a contractor or substantial subcontractor is

3785 capable of undertaking.

3786 (g) (1) The applicant shall indicate the prequalification
3787 classifications, aggregate work capacity ratings and single project
3788 limits that are sought. The commissioner may issue a certificate of
3789 prequalification to any applicant who meets the requirements of this
3790 section. Such certificate shall be effective for one year from the date
3791 issued and shall indicate the contractor's or substantial subcontractor's
3792 prequalification classifications, aggregate work capacity ratings and
3793 single project limits. The commissioner may cause the initial certificate
3794 of prequalification to be effective for a period not to exceed two years
3795 and may require the applicant to remit payment of the application fee,
3796 as set forth in subsection (b) of this section, for the first twelve months
3797 of certification as well as a prorated application fee, as described in
3798 subdivision (3) of this subsection, for any additional period of
3799 certification beyond the first twelve months.

3800 (2) A prequalified contractor or substantial subcontractor may apply
3801 at any time for additional prequalification classifications, aggregate
3802 work capacity ratings or single project limits by submitting the
3803 applicable increase in fee, a completed update statement and other
3804 information the commissioner requires.

3805 (3) The commissioner may renew a prequalification certificate upon
3806 receipt of a completed update statement, any other material the
3807 commissioner requires and a nonrefundable fee in an amount not less
3808 than one-half of the application fee for the applicable aggregate work
3809 capacity rating as set forth in subsection (b) of this section.

3810 (h) Not later than sixty days after receiving a completed application,
3811 the commissioner shall mail or send by electronic mail a notice to the
3812 applicant concerning the commissioner's preliminary determination
3813 regarding the conditions of the prequalification certification, a denial
3814 of certification, a reduction in the level of certification sought or
3815 nonrenewal of certification. Any applicant aggrieved by the
3816 commissioner's preliminary determination may request copies of the

3817 information upon which the commissioner relied in making the
3818 preliminary determination, provided such request is made not later
3819 than ten days after the date the notice was mailed or sent by electronic
3820 mail to the applicant. Not later than twenty days after the date the
3821 notice was mailed or sent by electronic mail, the applicant may submit
3822 additional information to the commissioner with a request for
3823 reconsideration. The commissioner shall issue a final determination
3824 regarding the application not later than ninety days after the date the
3825 commissioner mailed or sent by electronic mail the notice of the
3826 preliminary determination, which ninety-day period may be extended
3827 for an additional period not to exceed ninety days if (1) the
3828 commissioner gives written notice to the applicant that the
3829 commissioner requires additional time, and (2) such notice is mailed or
3830 sent by electronic mail during the initial ninety-day period.

3831 (i) The commissioner may not issue or renew a prequalification
3832 certificate to any contractor or substantial subcontractor who (1) is
3833 disqualified pursuant to the uniform procurement code, or (2) has a
3834 principal or key personnel who, within the past five years, has a
3835 conviction or has entered a plea of guilty or nolo contendere for or has
3836 admitted to commission of an act or omission that reasonably could
3837 have resulted in disqualification pursuant to any provision of the
3838 uniform procurement code, as determined by the commissioner.

3839 (j) The commissioner may revoke a contractor's or substantial
3840 subcontractor's prequalification or reduce the contractor's or
3841 substantial subcontractor's prequalification classification or aggregate
3842 work capacity ratings, after an opportunity for a hearing, if the
3843 commissioner receives additional information that supports such
3844 revocation or reduction or if such contractor is suspended from
3845 bidding on a state contract pursuant to the uniform procurement code.
3846 Prior to the initiation of such hearing or during the course of such
3847 hearing, the commissioner may suspend a contractor's prequalification
3848 certificate if the commissioner determines that there is probable cause
3849 to believe that such contractor engaged in conduct that significantly

3850 undermines the skill, ability or integrity of such contractor. Any such
3851 suspension shall not exceed a period of three months and shall be
3852 accompanied by a written decision of the commissioner that sets forth
3853 the reasons for and duration of such suspension. The commissioner
3854 shall send notification of any such suspension to such contractor by
3855 certified mail, return receipt requested.

3856 (k) (1) Any substantial evidence indicating fraud in obtaining or
3857 maintaining prequalification or any materially false statement in the
3858 application or any update statement or any update bid statement may,
3859 in the discretion of the awarding authority, result in termination of any
3860 contract awarded the applicant by the awarding authority. The
3861 awarding authority shall provide written notice to the commissioner of
3862 such false statement not later than thirty days after discovering such
3863 false statement. The commissioner shall provide written notice of such
3864 false statement to the Commissioner of Public Works, the
3865 Commissioner of Consumer Protection and the chair of the
3866 construction management oversight committee of The University of
3867 Connecticut not later than thirty days after discovering such false
3868 statement or receiving such notice.

3869 (2) The commissioner shall deny or revoke the prequalification of
3870 any person if the commissioner finds that the person has included any
3871 materially false statement in such application, update statement, or
3872 update bid statement has been convicted of a crime related to the
3873 procurement or performance of any public or private construction
3874 contract has been disqualified by the State Contracting Standards
3875 Board from bidding on state contracts pursuant to the uniform
3876 procurement code or, within the past five years, has otherwise
3877 engaged in fraud in obtaining or maintaining prequalification. Any
3878 revocation made pursuant to this subsection shall be made only after
3879 an opportunity for a hearing. Any person whose prequalification has
3880 been revoked pursuant to this subsection shall be disqualified for a
3881 period of two years after which the person may reapply for
3882 prequalification, except that a person whose prequalification has been

3883 revoked on the basis of conviction of a crime or engaging in fraud shall
3884 be disqualified for a period of five years after which the person may
3885 reapply for prequalification and a person whose prequalification has
3886 been revoked on the basis of disqualification by the State Contracting
3887 Standards Board shall be disqualified for the same length of time as the
3888 disqualification period imposed by the State Contracting Standards
3889 Board pursuant to the uniform procurement code. The commissioner
3890 shall not prequalify a person whose prequalification has been revoked
3891 pursuant to this subdivision until the expiration of said suspension or
3892 other applicable disqualification period and the commissioner is
3893 satisfied that the matters that gave rise to the revocation have been
3894 eliminated or remedied.

3895 (l) The commissioner shall provide written notice of any revocation,
3896 disqualification, reduction in classification or capacity rating or
3897 reinstated prequalification to the Commissioner of Public Works, the
3898 Commissioner of Consumer Protection and the chair of the
3899 construction management oversight committee of The University of
3900 Connecticut not later than thirty days after any final determination.

3901 (m) The provisions of this section shall not apply to subcontractors.

3902 (n) The commissioner shall establish an update statement for use by
3903 bidders and substantial subcontractors for purposes of renewing or
3904 upgrading a prequalification certificate and an update bid statement
3905 for purposes of submitting a bid.

3906 (o) Any applicant aggrieved by the commissioner's final
3907 determination concerning a preliminary determination, a denial of
3908 certification, a reduction in prequalification classification or aggregate
3909 work capacity rating or a revocation or nonrenewal of certification
3910 may appeal to the Superior Court in accordance with section 4-183 of
3911 the general statutes.

3912 (p) Not later than one hundred twenty days after becoming
3913 prequalified, any contractor or substantial subcontractor prequalified

3914 under the provisions of this section shall participate in an ethics
3915 training course approved by the State Contracting Standards Board.

3916 (q) The commissioner shall, with the approval of the State
3917 Contracting Standards Board, adopt regulations, in accordance with
3918 chapter 54 of the general statutes, to establish a schedule of application
3919 fees for substantial subcontractors.

3920 Sec. 72. (NEW) (*Effective July 1, 2008*) (a) The Commissioner of
3921 Administrative Services shall, in consultation with the State
3922 Contracting Standards Board, adopt regulations, in accordance with
3923 chapter 54 of the general statutes, to establish a standard contractor
3924 evaluation form. Such form shall include, at a minimum, the following
3925 evaluation criteria:

3926 (1) Timeliness of performance;

3927 (2) Quality of performance;

3928 (3) Cost containment, including, but not limited to, the contractor's
3929 ability to work within the contract's allotted cost, the accuracy of the
3930 contractor's billing, and the number and cause of change orders and
3931 the manner in which the contractor determined the price on the change
3932 orders;

3933 (4) Safety;

3934 (5) The quality of the contractor's working relationship with the
3935 agency and the quality of the contractor's supervision of the work area;

3936 (6) Communication with the agency;

3937 (7) The quality of the contractor's required documentation;

3938 (8) The performance of the contractor's subcontractors and
3939 substantial subcontractors, to the extent known by the official who
3940 completes the evaluation; and

3941 (9) The contractor's and any subcontractor's compliance with part III
3942 of chapter 557 of the general statutes, or chapter 558 of the general
3943 statutes, or the provisions of the federal Davis-Bacon Act, 40 USC,
3944 Sections 276a to 276a-5, inclusive, as from time to time amended, to the
3945 extent known by the official who completes the evaluation.

3946 (b) Each state contracting agency shall compile evaluation
3947 information during the performance of the contract and complete and
3948 submit the evaluation form to the commissioner after completion of a
3949 building project under the agency's control if the building project is
3950 funded, in whole or in part, by state funds. Such evaluation
3951 information shall be filed with the Commissioner of Administrative
3952 Services and the State Contracting Standards Board and made
3953 available to any state contracting agency for purposes of assessing the
3954 responsibility of the contractor during a bid selection and evaluation
3955 process. The Agency Procurement Officer shall certify that the
3956 information contained in the evaluation form represents, to the best of
3957 the certifying officer's knowledge, a true and accurate analysis of the
3958 contractor's performance record on the contract. The commissioner
3959 shall include the evaluation in the contractor's prequalification file. The
3960 official shall mail a copy of the completed evaluation form to the
3961 contractor. Any contractor who wishes to contest any information
3962 contained in the evaluation form may submit a written response to the
3963 commissioner not later than thirty days after the date the form was
3964 mailed as indicated by the postmark on the envelope. Such response
3965 shall set forth any additional information concerning the building
3966 project or the oversight of the contract by the state contracting agency
3967 that may be relevant in the evaluation of the contractor's performance
3968 on the project. The commissioner shall include any such response in
3969 the contractor's prequalification file.

3970 (c) As used in this section, "state contracting agency" means a state
3971 contracting agency, as defined in the uniform procurement code, but
3972 does not include The University of Connecticut with respect to any
3973 project, as defined in subdivision (16) of section 10a-109c of the general

3974 statutes, that is undertaken and controlled by the university, "contract"
3975 means an agreement for work for the state or a municipality that is
3976 estimated to cost more than five hundred thousand dollars and is
3977 funded in whole or in part by state funds, and "subcontractor" means a
3978 person who performs work with a value in excess of twenty-five
3979 thousand dollars for a contractor pursuant to a contract, and
3980 "substantial subcontractor" means a substantial contractor, as defined
3981 in the uniform procurement code.

3982 (d) Upon fifty per cent completion of any building project under a
3983 state contracting agency's control, the agency shall advise the
3984 contractor in writing of the agency's preliminary evaluation of the
3985 contractor's performance on the project.

3986 (e) No state contracting agency, employee of a state contracting
3987 agency or an Agency Procurement Officer shall be held liable to any
3988 contractor for any loss or injury sustained by such contractor as the
3989 result of the completion of an evaluation form, as required by this
3990 section, unless such agency, employee or official is found by a court of
3991 competent jurisdiction to have acted in a wilful, wanton or reckless
3992 manner.

3993 (f) Any state contracting agency that fails to submit a completed
3994 evaluation form to the commissioner and the State Contracting
3995 Standards Board, as required by this section, not later than seventy
3996 days after the completion of a project, shall be ineligible for the receipt
3997 of any public funds disbursed by the state for the purposes of the
3998 construction, reconstruction, alteration, remodeling, repair or
3999 demolition of any public building or any public works project until
4000 such completed evaluation form is submitted.

4001 (g) Notwithstanding the provisions of subsection (a) of this section,
4002 any political subdivision of the state, when evaluating the performance
4003 of a contractor's subcontractors or substantial subcontractors, to the
4004 extent known, may rely on an evaluation of such subcontractors or
4005 substantial subcontractors that is conducted by the contractor.

4006 Sec. 73. (NEW) (*Effective July 1, 2008*) The commissioner of the state
4007 contracting agency may request factual information reasonably
4008 available to the bidder or proposer to substantiate that the price or cost
4009 offered, or some portion of it, is reasonable, if:

4010 (1) The price is not:

4011 (A) Based on adequate price competition;

4012 (B) Based on established catalogue or market prices; or

4013 (C) Set by law or regulation; and

4014 (2) The price or cost exceeds an amount established by regulation.

4015 Sec. 74. (NEW) (*Effective July 1, 2008*) The Commissioner of
4016 Administrative Services shall adopt regulations, in accordance with the
4017 provisions of chapter 54 of the general statutes, in consultation with
4018 the State Contracting Standards Board, establishing standards for the
4019 preparation, maintenance, and content of specifications for supplies,
4020 services, and construction required by the state.

4021 Sec. 75. (NEW) (*Effective July 1, 2008*) The State Contracting
4022 Standards Board shall monitor the use of specifications for supplies,
4023 services and construction required by each state contracting agency.

4024 Sec. 76. (NEW) (*Effective July 1, 2008*) The Department of
4025 Administrative Services shall obtain expert advice and assistance from
4026 personnel of state contracting agencies in the development of
4027 specifications and may delegate, in writing, to a state contracting
4028 agency the authority to prepare and utilize its own specifications.

4029 Sec. 77. (NEW) (*Effective July 1, 2008*) All specifications shall seek to
4030 promote overall economy for the purposes intended and encourage
4031 competition in satisfying the state's needs, and shall not be unduly
4032 restrictive.

4033 Sec. 78. (NEW) (*Effective July 1, 2008*) The requirements of the

4034 uniform procurement code regarding the purposes and
4035 nonrestrictiveness of specifications shall apply to all specifications
4036 prepared other than by state personnel, including, but not limited to,
4037 those prepared by architects, engineers and designers.

4038 Sec. 79. (NEW) (*Effective July 1, 2008*) (a) Subject to the limitations of
4039 this section, any type of contract that will promote the best interests of
4040 the state may be used, provided the use of a cost-plus-a-percentage-of-
4041 cost contract shall be prohibited. A cost-reimbursement contract may
4042 be used only when a determination is made in writing that such
4043 contract is likely to be less costly to the state than any other type or
4044 that it is impracticable to obtain the supplies, services or construction
4045 required except under such a contract.

4046 (b) Each bid or proposal, with the name of the bidder, or proposer,
4047 shall be entered on a record, and each record, with the successful bid
4048 or proposal indicated thereon, shall, after the award of the order or
4049 contract, be open to public inspection.

4050 (c) All contracts shall be approved as to form by the Attorney
4051 General and a copy of each contract shall be filed with the Comptroller
4052 and the State Contracting Standards Board.

4053 Sec. 80. (NEW) (*Effective July 1, 2008*) The State Contracting
4054 Standards Board shall adopt regulations, in accordance with chapter 54
4055 of the general statutes, requiring that contractors submit appropriate
4056 documentation prior to the award of contracts in which the state
4057 agrees to reimburse costs, confirming that:

4058 (1) The proposed contractor's accounting system will permit timely
4059 development of all necessary cost data in the form required by the
4060 specific contract type contemplated; and

4061 (2) The proposed contractor's accounting system is adequate to
4062 allocate costs in accordance with generally accepted accounting
4063 principles.

4064 Sec. 81. (NEW) (*Effective July 1, 2008*) (a) Unless otherwise provided
4065 by law, a contract for supplies or services may be entered into for any
4066 period of time deemed to be in the best interests of the state provided
4067 the term of the contract and conditions of renewal or extension, if any,
4068 are included in the solicitation and funds are available for the first
4069 fiscal period at the time of contracting. Payment and performance
4070 obligations for succeeding fiscal periods shall be subject to the
4071 availability and appropriation of funds therefor.

4072 (b) A multiyear contract is authorized where:

4073 (1) Estimated requirements cover the period of the contract and are
4074 firm and continuing; and

4075 (2) Such a contract will serve the best interests of the state by
4076 encouraging effective competition or otherwise promoting economies
4077 in procurement.

4078 (c) When funds are not appropriated or otherwise made available to
4079 support continuation of performance in a subsequent fiscal period, the
4080 contract shall be cancelled and the contractor shall be reimbursed for
4081 the reasonable value of any non-recurring costs incurred but not
4082 amortized in the price of the supplies or services delivered under the
4083 contract. The cost of cancellation may be paid from any appropriations
4084 available for such purposes.

4085 Sec. 82. (NEW) (*Effective July 1, 2008*) A state contracting agency
4086 may, at reasonable times, inspect the part of the plant or place of
4087 business of a contractor or any subcontractor that is related to the
4088 performance of any contract awarded or to be awarded by the state.

4089 Sec. 83. (NEW) (*Effective July 1, 2008*) (a) A state contracting agency
4090 may, at reasonable times and places, audit the books and records of
4091 any person who has submitted data in substantiation of offered prices
4092 to the extent that such books and records relate to that data. Any
4093 person who receives a contract, change order, or contract modification
4094 for which such data is required, shall maintain such books and records

4095 that relate to such cost or pricing data for three years from the
4096 expiration of the contract, unless a shorter period is otherwise
4097 authorized in writing.

4098 (b) A state contracting agency shall be entitled to audit the books
4099 and records of a contractor or any subcontractor under any negotiated
4100 contract or subcontract to the extent that such books and records relate
4101 to the performance of such contract or subcontract. Such books and
4102 records shall be maintained by the contractor for a period of three
4103 years from the date of final payment under the prime contract and by
4104 the subcontractor for a period of three years from the expiration of the
4105 subcontract, unless a shorter period is otherwise authorized in writing.

4106 Sec. 84. (NEW) (*Effective July 1, 2008*) When for any reason collusion
4107 or other anticompetitive practices are suspected among any bidders or
4108 proposers, a notice of the relevant facts shall be transmitted to the
4109 Attorney General.

4110 Sec. 85. (NEW) (*Effective July 1, 2008*) All procurement records shall
4111 be retained and disposed of in accordance with records retention
4112 guidelines and schedules approved by the Public Records
4113 Administrator.

4114 Sec. 86. (NEW) (*Effective July 1, 2008*) The Agency Procurement
4115 Officer shall maintain a record listing all contracts made under the
4116 uniform procurement code for a minimum of five years. The record
4117 shall contain:

4118 (1) Each contractor's name;

4119 (2) The amount and type of each contract; and

4120 (3) A listing of the supplies, services, or construction procured
4121 under each contract.

4122 Sec. 87. (NEW) (*Effective July 1, 2008*) The department head of each
4123 state contracting agency shall submit to the State Contracting

4124 Standards Board, the joint standing committee of the General
4125 Assembly having cognizance of matters relating to government
4126 administration, the State Auditors and the Comptroller, an annual
4127 report of all awards made pursuant to the provisions of the uniform
4128 procurement code.

4129 Sec. 88. (NEW) (*Effective from passage*) (a) (1) Whenever a state
4130 contracting agency seeks to find the best value for the citizens of the
4131 state, the state contracting agency shall evaluate whether delivering
4132 services or activities effectively and efficiently is best done using
4133 internal state resources or contracted resources with a person or entity
4134 not a part of state service. Such an evaluation should be done using
4135 both quantitative and qualitative analysis through the development of
4136 a business case. Whenever it appears that a person or entity not a part
4137 of state service can more effectively and efficiently provide services
4138 that are currently being provided by state employees the state
4139 contracting agency shall first develop a business case to evaluate
4140 feasibility, cost-effectiveness and efficiency.

4141 (2) Upon the completion of such business case in accordance with
4142 subsection (c) of this section, the state contracting agency shall submit
4143 such proposal to the State Contracting Standards Board.

4144 (3) This section shall not apply to a procurement of contractual
4145 services that are obtained with federal funds.

4146 (b) (1) Upon receipt of the business case the State Contracting
4147 Standards Board shall immediately refer the proposal to the
4148 privatization contract committee of the board.

4149 (2) There shall be a privatization contract committee of the State
4150 Contracting Standards Board that shall review, evaluate, issue
4151 advisory reports and make recommendations on business cases
4152 submitted to the State Contracting Standards Board for its approval.
4153 The privatization contract committee shall consist of five members of
4154 the State Contracting Standards Board who represent both the majority

4155 and minority parties and who are appointed by the chairperson. The
4156 chairperson of the board shall serve as the chairperson of the
4157 privatization contract committee.

4158 (3) The privatization contract committee shall employ a standard
4159 process for reviewing, evaluating and recommending business cases
4160 for privatization proposals requested by the proposing state
4161 contracting agency.

4162 (4) Each state contracting agency shall submit to the State
4163 Contracting Standards Board all information, documents, or other
4164 materials required by the board, the privatization contract committee
4165 or this chapter.

4166 (c) (1) For any proposed privatization contract, the state contracting
4167 agency shall develop a business case that includes, but is not limited
4168 to:

4169 (A) A detailed description of the service or activity for which the
4170 privatization contract is proposed;

4171 (B) A description and analysis of the state agency's current
4172 performance of the service or activity;

4173 (C) The goals desired to be achieved through the proposed
4174 privatization and the rationale for such goals;

4175 (D) A description of available options for achieving the goals;

4176 (E) An analysis of the advantages and disadvantages of each option,
4177 including, at a minimum, potential performance improvements and
4178 risks;

4179 (F) A description of the current market for the contractual services
4180 that are under consideration for privatization;

4181 (G) A cost-benefit analysis documenting the direct and indirect
4182 specific costs, savings, and qualitative and quantitative benefits

4183 involved in or resulting from the implementation of the recommended
4184 option or options. Such analysis shall specify the schedule that, at a
4185 minimum, shall be adhered to in order to achieve the estimated
4186 savings. All elements of cost shall be clearly identified in the cost-
4187 benefit analysis, described in the business case, and supported by
4188 applicable records and reports. The state agency head shall attest that,
4189 based on the data and information underlying the business case, all
4190 projected costs, savings, and benefits are valid and achievable. As used
4191 in this section, the term "cost," means the reasonable, relevant, and
4192 verifiable cost, which may include, but is not limited to, elements such
4193 as salary, fringe benefits, materials and supplies, services, equipment,
4194 capital depreciation, rent, maintenance and repairs, utilities, insurance,
4195 personnel travel, overhead, and interim and final payments. The
4196 appropriate elements shall depend on the nature of the specific
4197 initiative. As used in this section, the term "savings" means the
4198 difference between the direct and indirect actual annual baseline costs
4199 compared to the projected annual cost for the contracted functions or
4200 responsibilities in any succeeding state fiscal year during the term of
4201 the proposed contract;

4202 (H) A description of the specific performance standards that shall, at
4203 a minimum, be met to ensure adequate performance by any party
4204 performing the service or activity;

4205 (I) The projected timeframe for key events from the beginning of the
4206 procurement process through the expiration of a contract;

4207 (J) A specific and feasible contingency plan addressing contractor
4208 nonperformance and a description of the tasks involved in and costs
4209 required for its implementation; and

4210 (K) A transition plan for addressing changes in the number of
4211 agency personnel, affected business processes, employee transition
4212 issues, and communication with affected stakeholders, such as agency
4213 clients and the public. The transition plan shall contain a
4214 reemployment and retraining assistance plan for employees who are

4215 not retained by the state or employed by the contractor.

4216 (2) The Department of Administrative Services, in consultation with
4217 the board, shall:

4218 (A) Recommend and implement standards and processes for state
4219 agencies to develop business cases to privatize, including templates for
4220 use by state agencies in submitting business cases to the privatization
4221 contract committee, policies and procedures to guide agencies to
4222 complete business case for privatization contracts, and any other
4223 assistance necessary as determined by the Commissioner of
4224 Administrative Services;

4225 (B) Recommend incorporation of any lessons learned from
4226 privatization contracting functions, services, and activities into
4227 business case standards, procedures, and guidelines, and as
4228 appropriate, regarding best practices in privatization contracting
4229 efforts; and

4230 (C) Develop guidelines and procedures for assisting state employees
4231 whose jobs are eliminated as a result of a privatization contract.

4232 (3) The Office of Policy and Management, in consultation with the
4233 board shall develop policies and procedures, including templates for
4234 use by state agencies in submitting business cases to the privatization
4235 contract committee, to assist agencies in developing a cost benefit
4236 analysis for a business case and shall review with each agency the
4237 budgetary impact of such a contract and any need to request budget
4238 adjustments.

4239 (d) (1) To privatize a service or activity that has a projected cost
4240 exceeding one million dollars over the life of the contract, the state
4241 contracting agency shall conduct a complete business case analysis
4242 prior to publishing any notice soliciting bids for such privatization
4243 contract. Such business case shall be submitted to the Governor, the
4244 president pro tempore of the Senate, the speaker of the House of
4245 Representatives, the State Contracting Standards Board and any

4246 collective bargaining unit affected by the proposal. The privatization
4247 contract committee shall evaluate the business case and submit its
4248 evaluation to the State Contracting Standards Board for review and
4249 approval.

4250 (2) The State Contracting Standards Board shall, not later than sixty
4251 days after the receipt of the business case, provide to the agency
4252 conducting the procurement, the Governor, the president pro tempore
4253 of the Senate, and the speaker of the House of Representatives and any
4254 collective bargaining unit affected by the proposal a report detailing its
4255 review, evaluation and disposition regarding such business case. The
4256 report shall contain the business case, the evaluation of the business
4257 case by the privatization contract committee, reasons for approval or
4258 disapproval, any relevant recommendations, and sufficient
4259 information to assist the state contracting agency proposing to
4260 privatize in determining if additional steps are necessary to move
4261 forward with the publication of a notice to solicit bids for a
4262 privatization contract.

4263 (3) Only after the board approves the business case may the
4264 requesting state contacting agency publish any notice soliciting bids
4265 for a privatization contract.

4266 (4) Each state contracting agency shall notify, in writing, the State
4267 Contracting Standards Board, of any changes to a board approved
4268 business case, as a proposed amendment to the business case, for
4269 review and approval by the board. The board may approve or
4270 disapprove of any such proposed amendment to a business case
4271 within thirty days of the receipt of such proposed amendment.

4272 (e) (1) The privatization contract requirements, as defined in
4273 subsection (d) of this section, shall apply to quasi-public agencies,
4274 constituent units of higher education and the judicial and legislative
4275 branches of state government in accordance with the implementation
4276 dates contained in the uniform procurement code.

4277 (2) The board shall conduct a study of the privatization policies and
4278 practices of quasi-public agencies and the constituent units of higher
4279 education by January 1, 2008.

4280 (f) Notwithstanding the provisions of this section, a state
4281 contracting agency may enter into a privatization contract without
4282 prior completion or submission of a business case in accordance with
4283 subsection (c) and without prior approval of the State Contracting
4284 Standards Board if (1) the agency finds that a privatization contract is
4285 required (A) due to an imminent peril to the public health, safety or
4286 welfare, and (B) the agency states in writing its reasons for such
4287 finding, and (2) the Governor approves such finding in writing.

4288 Sec. 89. (NEW) (*Effective July 1, 2008*) The State Contracting
4289 Standards Board may, in its discretion, establish, by regulation
4290 adopted in accordance with the provisions of chapter 54 of the general
4291 statutes, a procedure for resolving protested solicitations or awards.

4292 Sec. 90. (NEW) (*Effective July 1, 2008*) (a) After reasonable notice, a
4293 hearing and consultation with the relevant state contracting agency
4294 and the Attorney General, the State Contracting Standards Board,
4295 acting through a subcommittee of three members appointed by the
4296 chairperson, may disqualify any contractor, bidder or proposer, for a
4297 period of not more than five years, from bidding on, applying for, or
4298 participating as a contractor or subcontractor under, contracts with the
4299 state. Such disqualification shall be upon the vote of two-thirds of the
4300 members of the board subcommittee present and voting for that
4301 purpose. Such hearing shall be conducted in accordance with chapter
4302 54 of the general statutes. The board subcommittee shall issue a
4303 written decision not later than ninety days after the conclusion of such
4304 hearing and state in the decision the reasons for the action taken and, if
4305 the contractor, bidder or proposer is being disqualified, the period of
4306 such disqualification. The existence of a cause for disqualification, as
4307 described in subsection (b) of this section, may not be the sole factor to
4308 be considered by the board subcommittee in determining whether the
4309 contractor, bidder or proposer shall be disqualified. In determining

4310 whether to disqualify a contractor, bidder or proposer, the board shall
4311 consider the seriousness of the acts or omissions of the contractor,
4312 bidder or proposer and any mitigating factors. The board
4313 subcommittee shall send the decision to the contractor, bidder or
4314 proposer by certified mail, return receipt requested. The written
4315 decision shall be a final decision for purposes of sections 4-180 and 4-
4316 183 of the general statutes.

4317 (b) Causes for such disqualification shall include the following:

4318 (1) Conviction of, or entry of a plea of guilty or nolo contendere or
4319 admission to, the commission of a criminal offense as an incident to
4320 obtaining or attempting to obtain a public or private contract or
4321 subcontract, or in the performance of such contract or subcontract;

4322 (2) Conviction of, or entry of a plea of guilty or nolo contendere or
4323 admission to, the violation of any state or federal law for
4324 embezzlement, theft, forgery, bribery, falsification or destruction of
4325 records, receiving stolen property or any other offense indicating a
4326 lack of business integrity or business honesty which affects
4327 responsibility as a state contractor, bidder or proposer;

4328 (3) Conviction of, or entry of a plea of guilty or nolo contendere or
4329 admission to, a violation of any state or federal antitrust, collusion or
4330 conspiracy law arising out of the submission of bids or proposals on a
4331 public or private contract or subcontract;

4332 (4) Accumulation of two or more suspensions pursuant to the
4333 uniform procurement code within a twenty-four-month period;

4334 (5) A wilful, negligent or reckless failure to perform in accordance
4335 with the terms of one or more contracts or subcontracts, agreements or
4336 transactions with state contracting agencies;

4337 (6) A history of failure to perform or of unsatisfactory performance
4338 on one or more public contracts, agreements or transactions with state
4339 contracting agencies;

4340 (7) A wilful violation of a statutory or regulatory provision or
4341 requirement applicable to a contract, agreement of transaction with
4342 state contracting agencies;

4343 (8) A wilful or egregious violation of the ethical standards set forth
4344 in the uniform procurement code; or

4345 (9) Any other cause or conduct the board determines to be so
4346 serious and compelling as to affect responsibility as a state contractor,
4347 bidder or proposer including, but not limited to:

4348 (A) Disqualification by another state for cause;

4349 (B) The fraudulent, criminal or seriously improper conduct of any
4350 officer, director, shareholder, partner, employee or other individual
4351 associated with a contractor, bidder or proposer of such contractor,
4352 bidder or proposer, provided such conduct occurred in connection
4353 with the individual's performance of duties for or on behalf of such
4354 contractor, bidder or proposer and such contractor, bidder or proposer
4355 knew or had reason to know of such conduct. The term "other
4356 seriously improper conduct" shall not include advice from an attorney,
4357 accountant or other paid consultant if it was reasonable for the
4358 contractor to rely on such advice;

4359 (C) The fraudulent, criminal or other seriously improper conduct of
4360 a contractor may be imputed to any officer, director, shareholder,
4361 partner, employee or other individual associated with the contractor,
4362 bidder or proposer who participated in, knew of or had reason to
4363 know of the conduct of the contractor, bidder or proposer;

4364 (D) The fraudulent, criminal or other seriously improper conduct of
4365 one contractor, bidder or proposer participating in a joint venture or
4366 similar arrangement may be imputed to other participating
4367 contractors, bidders or proposers if the conduct occurred for or on
4368 behalf of the joint venture or similar arrangement and these
4369 contractors, bidders or proposers knew of or had reason to know of
4370 such conduct; and

4371 (E) The existence of an informal or formal business relationship with
4372 a contractor who has been disqualified from bidding or proposing on
4373 state contracts.

4374 (c) Upon written request by the affected state contractor, bidder or
4375 proposer, the State Contracting Standards Board may reduce the
4376 period or extent of disqualification for a contractor, bidder or proposer
4377 if documentation supporting any of the following reasons for
4378 modification is provided to the board by the contractor, bidder or
4379 proposer:

4380 (1) Newly discovered material evidence;

4381 (2) Reversal of the conviction upon which the disqualification was
4382 based;

4383 (3) Bona fide change in ownership or management; or

4384 (4) Elimination of other causes for which the disqualification was
4385 imposed.

4386 (d) Disqualification of a contractor, bidder or proposer is a serious
4387 action that shall be used only in the public interest and for the state
4388 government's protection and not for purposes of punishment or in lieu
4389 of other applicable enforcement or compliance procedures. The causes
4390 for and consequences of disqualification under this section shall be
4391 separate from and in addition to causes for and consequences of
4392 disqualification under other sections of the general statutes. The
4393 Commissioners of Administrative Services, Public Works and
4394 Transportation, the chief executive of each constituent unit of the state
4395 system of higher education and other heads of state contracting
4396 agencies shall conduct reviews of contractors and shall file reports
4397 pertaining to any of the reasons set forth in this section of this act that
4398 may be the basis for disqualification. Each of the foregoing may file
4399 complaints with the State Contracting Standards Board.

4400 (e) The State Contracting Standards Board may grant an exception

4401 permitting a disqualified contractor to participate in a particular
4402 contract or subcontract upon a written determination by the head of
4403 the contract awarding agency that there is good cause, in the interest of
4404 the public, for such action.

4405 Sec. 91. (NEW) (*Effective July 1, 2008*) (a) After reasonable notice and
4406 a hearing, conducted in accordance with the provisions of chapter 54
4407 of the general statutes, the department head of any state contracting
4408 agency may suspend any contractor, bidder or proposer for a period of
4409 not more than six months from bidding on, applying for or performing
4410 work as a contractor or subcontractor under, contracts with the state.
4411 The department head shall issue a written decision not later than
4412 ninety days after the conclusion of such hearing and state in the
4413 decision the reasons for the action taken and, if the contractor, bidder
4414 or proposer is being suspended, the period of such suspension. The
4415 existence of a cause for suspension, as described in subsection (b) of
4416 this section, may not be the sole factor to be considered by the board
4417 subcommittee in determining whether the contractor, bidder or
4418 proposer shall be suspended. In determining whether to suspend a
4419 contractor, bidder or proposer, the department head shall consider the
4420 seriousness of the acts or omissions of the contractor, bidder or
4421 proposer and any mitigating factors. The department head shall send
4422 such decision to the contractor and the State Contracting Standards
4423 Board by certified mail, return receipt requested. Such decision shall be
4424 a final decision for purposes of sections 4-180 and 4-183 of the general
4425 statutes.

4426 (b) Causes for such suspension shall include the following:

4427 (1) Failure without good cause to perform in accordance with
4428 specifications or within the time limits provided in the contract;

4429 (2) A record of failure to perform or of unsatisfactory performance
4430 in accordance with the terms of one or more contracts, provided failure
4431 to perform or unsatisfactory performance caused by acts beyond the
4432 control of the contractor, bidder or proposer shall not be considered to

4433 be a basis for suspension;

4434 (3) Any cause the complainant state contracting agency determines
4435 to be so serious and compelling as to affect the responsibility of a state
4436 contractor, bidder or proposer including suspension by another state
4437 contracting agency for cause; or

4438 (4) A violation of the ethical standards set forth in the uniform
4439 procurement code.

4440 (c) The State Contracting Standards Board may grant an exception
4441 permitting a suspended contractor to participate in a particular
4442 contract or subcontract upon a written determination by the board that
4443 there is good cause for such exception and that such exception is in the
4444 best interest of the state.

4445 (d) The departments of each state contracting agency shall conduct
4446 reviews of contractors and shall file reports pertaining to any of the
4447 reasons set forth in this section of this act that may be the basis for
4448 disqualification.

4449 Sec. 92. (NEW) (*Effective July 1, 2008*) (a) Any bidder or proposer on
4450 a state contract may contest the solicitation or award of a contract to a
4451 subcommittee of the State Contracting Standards Board, appointed by
4452 the chairperson. Such contest shall be submitted, in writing, not later
4453 than fourteen days after such bidder or proposer knew or should have
4454 known of the facts giving rise to such contest and shall be limited to
4455 the procedural elements of the solicitation or award process, or claims
4456 of an unauthorized or unwarranted, noncompetitive selection process.

4457 (b) The assigned subcommittee of the State Contracting Standards
4458 Board, shall have the authority to settle and resolve any such contest.

4459 (c) In the event such contest is not resolved by mutual agreement,
4460 the assigned subcommittee of the State Contracting Standards Board,
4461 shall issue a decision, in writing, not later than thirty days after receipt
4462 of any such contest. Such decision shall:

4463 (1) Describe the procedure used by such agency in soliciting and
4464 awarding such contract;

4465 (2) Indicate such agency's finding as to the merits of such bidder or
4466 proposers contest; and

4467 (3) Inform such bidder or proposer of the right to review, as
4468 provided under the uniform procurement code.

4469 (d) A copy of such decision shall be provided to such bidder or
4470 proposer.

4471 Sec. 93. (NEW) (*Effective July 1, 2008*) (a) Any contractor, bidder or
4472 proposer may appeal a decision issued by the board subcommittee,
4473 concerning the solicitation or award of a contract, to the full State
4474 Contracting Standards Board.

4475 (b) Any such request for review shall be filed with the board not
4476 later than fourteen days after such contractor's, bidder's or proposer's
4477 receipt of a decision issued pursuant to section 92 of this act. Such
4478 bidder or proposer shall set forth the facts supporting its claim in
4479 sufficient detail for the State Contracting Standards Board to determine
4480 whether the procedural elements of the solicitation or award failed to
4481 comply with the uniform procurement code or whether an
4482 unauthorized or unwarranted, noncompetitive selection process was
4483 utilized.

4484 (c) Any appeal filed pursuant to subsection (b) of this section shall
4485 not be deemed to prohibit the award or execution of any such
4486 contested contract.

4487 (d) The State Contracting Standards Board shall create a three-
4488 member appeals review subcommittee, not including any members of
4489 the subcommittee that first heard such contest, which shall review any
4490 request filed pursuant to subsection (b) of this section and decide
4491 whether such solicitation or award was in compliance with the code,
4492 and whether allegations of an unauthorized or unwarranted,

4493 noncompetitive selection process have been demonstrated. A
4494 unanimous vote of such appeals review subcommittee shall be
4495 dispositive of any such appeal. A split vote of such appeals review
4496 subcommittee shall result in a review of the appeal by the full
4497 membership of the board which, by a vote of two-thirds of its
4498 members present and voting for such purpose, shall decide whether
4499 the solicitation or award of such contract was in compliance with the
4500 code and whether allegations of an unauthorized or unwarranted,
4501 noncompetitive selection process have been demonstrated.

4502 (e) Such appeals review subcommittee shall issue a written decision
4503 or take other appropriate action on each appeal not later than ninety
4504 days after the filing of such appeal. A written copy of any such
4505 decision shall be provided to such bidder or proposer.

4506 (f) In the event of an appeal review by the full board, the board shall
4507 issue a written decision or take other appropriate action on such
4508 appeal not later than ninety days after receipt of the appeal from the
4509 appeals review subcommittee. A written copy of any such decision
4510 shall be provided to such bidder or proposer.

4511 (g) In the event that the appeals review subcommittee or the board
4512 determines that a procedural violation occurred, or that allegations of
4513 an unauthorized or unwarranted, noncompetitive selection process
4514 have been substantiated, the board shall direct the state contracting
4515 agency to take corrective action not later than thirty days after the date
4516 of the subcommittee's or board's decision, as applicable.

4517 (h) In the event such appeal is found to be frivolous by the appeals
4518 review subcommittee or the full board, such frivolous appeal may
4519 serve as a basis for disqualification pursuant to the uniform
4520 procurement code.

4521 (i) Any three members of the board may request a full board review
4522 of any contract deliberation or award process of a state contracting
4523 agency.

4524 (j) A decision issued by the board or appeals review subcommittee
4525 under this section shall be final and not subject to appeal under
4526 sections 4-180 and 4-183 of the general statutes.

4527 Sec. 94. (NEW) (*Effective July 1, 2008*) Acting by one or more of its
4528 members, the State Contracting Standards Board shall issue a decision
4529 in writing or take other appropriate action on each appeal submitted
4530 pursuant to section 93 of this act. A copy of any board decision on such
4531 appeal shall be provided to all parties, the department head of the state
4532 contracting agency and the Chief Procurement Officer.

4533 Sec. 95. (NEW) (*Effective July 1, 2008*) The provisions of sections 96 to
4534 98, inclusive, of this act shall apply when it is determined
4535 administratively, or upon administrative or judicial review, that a
4536 solicitation or award of a contract is in violation of law.

4537 Sec. 96. (NEW) (*Effective July 1, 2008*) If, prior to award, it is
4538 determined that a solicitation or proposed award of a contract is in
4539 violation of law, then the solicitation or proposed award shall be:

4540 (1) Cancelled; or

4541 (2) Revised to comply with the law.

4542 Sec. 97. (NEW) (*Effective July 1, 2008*) (a) If after an award it is
4543 determined that a solicitation or award of a contract is in violation of
4544 law, then:

4545 (1) If the person awarded the contract has not acted fraudulently or
4546 in bad faith:

4547 (A) The contract may be ratified and affirmed, provided it is
4548 determined that doing so is in the best interests of the state; or

4549 (B) The contract may be terminated and the person awarded the
4550 contract shall be compensated for the actual expenses reasonably
4551 incurred under the contract, plus a reasonable profit, prior to the

4552 termination.

4553 (2) If the person awarded the contract has acted fraudulently or in
4554 bad faith:

4555 (A) The contract may be declared null and void; or

4556 (B) The contract may be ratified and affirmed if such action is in the
4557 best interests of the state, as determined by the State Contracting
4558 Standards Board, in writing, without prejudice to the state's rights to
4559 such damages as may be appropriate.

4560 Sec. 98. (NEW) (*Effective July 1, 2008*) Interest on amounts ultimately
4561 determined under section 96 or 97 of this act to be due to a contractor
4562 or the state shall be payable at the statutory rate applicable to
4563 judgments from the date the claim arose through the date of decision
4564 or judgment, whichever is later.

4565 Sec. 99. (NEW) (*Effective July 1, 2008*) (a) The following project
4566 delivery methods are authorized for procurements relating to
4567 infrastructure facilities and services in this state:

4568 (1) Design-bid-build, including construction management at-risk;

4569 (2) Operations and maintenance;

4570 (3) Design-build; and

4571 (4) Related methods, as may be set forth in the regulations of the
4572 award authority or state contracting agency.

4573 (b) Participation in a report or study that is subsequently used in the
4574 preparation of design requirements for a project shall not disqualify a
4575 firm from participating as a member of a proposing team in a design-
4576 build or related procurement unless such participation would provide
4577 the firm with a substantial competitive advantage, as determined by
4578 the state contracting agency.

4579 Sec. 100. (NEW) (*Effective July 1, 2008*) (a) The source selection
4580 methods applicable to procurements for the project delivery methods
4581 are as identified in section 99 of this act, except as provided in sections
4582 59 through 102, 103 and 107 of this act.

4583 (b) Design-bid-build:

4584 (1) The qualifications-based selection process set forth in the
4585 uniform procurement code shall be used to procure architectural and
4586 engineering services in design-bid-build procurements.

4587 (2) Competitive sealed bidding, as set forth in the uniform
4588 procurement code, shall be used to procure construction in design-bid-
4589 build procurements, except where regulations authorize the use of
4590 competitive sealed proposals, as set forth in the uniform procurement
4591 code, for contracts for construction management at-risk.

4592 (3) Contracts for operations and maintenance shall be procured as
4593 set forth in section 99 of this act.

4594 (4) Contracts for design-build and related methods shall be
4595 procured by competitive sealed proposals, as set forth in the uniform
4596 procurement code, except that regulations adopted by the board, in
4597 accordance with chapter 54 of the general statutes, may describe the
4598 circumstances under which particular design-build procurements will
4599 not require the submission of proposal development documents as
4600 required under the uniform procurement code.

4601 Sec. 101. (NEW) (*Effective July 1, 2008*) The Departments of
4602 Administrative Services, Public Works and Transportation shall adopt
4603 regulations, in accordance with chapter 54 of the general statutes, and
4604 in consultation with the State Contracting Standards Board, describing
4605 the project delivery methods listed in the uniform procurement code.
4606 Such regulations shall:

4607 (1) Set forth criteria to be used in determining which project
4608 delivery method is to be used for a particular project;

4609 (2) Grant to the head of the state contracting agency or designee,
4610 responsible for carrying out the project, the discretion to select an
4611 appropriate project delivery method for a particular project;

4612 (3) Describe the bond, insurance and other security provisions
4613 contained in the uniform procurement code that apply to each project;

4614 (4) Describe the appropriate contract clauses and fiscal
4615 responsibility requirements contained in this act that apply to each
4616 project; and

4617 (5) Require the procurement officer to execute and include in the
4618 contract file a written statement setting forth the facts which led to the
4619 selection of a particular project delivery method for each project.

4620 Sec. 102. (NEW) (*Effective July 1, 2008*) (a) In addition to any other
4621 requirements of the uniform procurement code, the procedures in this
4622 section shall apply to procurements for design-build or any related
4623 method.

4624 (b) Each request for proposals for design-build or any related
4625 method: (1) Shall include design requirements; (2) shall solicit proposal
4626 development documents; and (3) may, when the state contracting
4627 agency determines that the cost of preparing proposals is high in view
4628 of the size, estimated price and complexity of the procurement: (A)
4629 Prequalify proposers by issuing a request for qualifications in advance
4630 of the request for proposals; and (B) select a short list of responsible
4631 proposers prior to discussions and evaluations under the uniform
4632 procurement code, provided that the number of proposals that will be
4633 short-listed is stated in the request for proposals and prompt public
4634 notice is given to all proposers as to which proposals have been short-
4635 listed; or (C) pay stipends to unsuccessful proposers, provided that the
4636 amount of such stipends and the terms under which stipends shall be
4637 paid are stated in the request for proposals.

4638 (c) Each request for proposals for design-build or related methods
4639 authorized by regulation:

4640 (1) Shall state the relative importance of (A) demonstrated
4641 compliance with the design requirements; (B) proposer qualifications;
4642 (C) financial capacity; (D) project schedule; (E) price or life-cycle price
4643 for design-build related methods procurements; and (F) other factors,
4644 if any; and

4645 (2) Shall require each proposer, when the contract price is estimated
4646 to exceed ten million dollars or in circumstances established by
4647 regulation, to identify an independent peer reviewer whose
4648 competence and qualifications to provide such services shall be an
4649 additional evaluation factor in the award of the contract.

4650 Sec. 103. (NEW) (*Effective July 1, 2008*) (a) The state shall publicly
4651 announce all requirements for architectural and engineering services
4652 and negotiate contracts for architectural and engineering services on
4653 the basis of demonstrated competence and qualification for the type of
4654 services required, and at fair and reasonable prices.

4655 (b) In the procurement of architectural and engineering services, the
4656 Commissioner of Administrative Services shall encourage firms
4657 engaged in the lawful practice of their profession to submit annually a
4658 statement of qualifications and performance data. The Commissioner
4659 of Administrative Services or the commissioner's designee, the Agency
4660 Procurement Officer or the officer's designee and the project manager
4661 for the project in question shall comprise an architect-engineer
4662 selection committee for each architectural and engineering services
4663 contract with a value of fifty thousand dollars or more. The selection
4664 committee for architectural and engineering services contracts under
4665 such amount shall be established in accordance with regulations
4666 adopted in accordance with chapter 54 of the general statutes by the
4667 State Contracting Standards Board. The selection committee shall
4668 evaluate current statements of qualifications and performance data on
4669 file with the state, together with those that may be submitted by other
4670 firms regarding the proposed contract. The selection committee shall
4671 conduct discussions with no less than three firms regarding the
4672 contract and the relative utility of alternative methods of approach for

4673 furnishing the required services, and then shall select therefrom, in
4674 order of preference, based upon criteria established and published by
4675 the selection committee, no less than three of the firms deemed to be
4676 the most highly qualified to provide the services required.

4677 (c) The department head of the state contracting agency or designee
4678 shall negotiate a contract with the highest qualified firm for
4679 architectural and engineering services at compensation which the
4680 agency head determines, in writing, to be fair and reasonable to the
4681 state. In making this decision, the agency head shall take into account
4682 the estimated value, the scope, the complexity, and the professional
4683 nature of the services to be rendered. Should the agency head be
4684 unable to negotiate a satisfactory contract with the firm considered to
4685 be the most qualified, at a price the agency head determines to be fair
4686 and reasonable to the state, negotiations with that firm shall be
4687 formally terminated. The agency head shall then undertake
4688 negotiations with the second most qualified firm. Failing accord with
4689 the second most qualified firm, the agency head shall formally
4690 terminate negotiations. The agency head shall then undertake
4691 negotiations with the third most qualified firm. Should the agency
4692 head be unable to negotiate a contract at a fair and reasonable price
4693 with any of the selected firms, the agency head shall select additional
4694 firms in order of their competence and qualifications, and the agency
4695 shall continue negotiations in accordance with this section until an
4696 agreement is reached.

4697 Sec. 104. (NEW) (*Effective July 1, 2008*) (a) Bid security shall be
4698 required for all competitive sealed bidding for construction contracts
4699 in a design-bid-build procurement when the price is estimated by the
4700 state contracting agency to exceed an amount established by
4701 regulations pertaining to the agency. Bid security shall be a bond
4702 provided by a surety company authorized to do business in this state,
4703 or the equivalent in cash, or otherwise supplied in a form satisfactory
4704 to the state. Nothing in this section shall be construed to prevent the
4705 requirement of such bonds on such contracts under the amount set by

4706 regulation when the circumstances warrant.

4707 (b) Bid security shall be in an amount equal to at least five per cent
4708 of the amount of the bid.

4709 (c) When the invitation for bids requires security, noncompliance
4710 requires that the bid be rejected unless, pursuant to regulations, it is
4711 determined that the bid fails to comply in a non-substantial manner
4712 with the security requirements.

4713 (d) After such bids are opened, they shall be irrevocable for the
4714 period specified in the invitation for bids. If a bidder is permitted to
4715 withdraw its bid before award, or is excluded from the competition
4716 before award, no action shall be had against the bidder or the bid
4717 security.

4718 Sec. 105. (NEW) (*Effective July 1, 2008*) (a) When a construction,
4719 design-build or related methods contract is awarded in excess of the
4720 amount, set forth in regulation, the following bonds or security shall be
4721 delivered to the state and shall become binding on the parties upon the
4722 execution of the contract:

4723 (1) A performance bond satisfactory to the state, executed by a
4724 surety company authorized to do business in this state or otherwise
4725 secured in a manner satisfactory to the state, in an amount equal to one
4726 hundred per cent of the portion of the contract price that does not
4727 include the cost of operation, maintenance, and finance; and

4728 (2) A payment bond satisfactory to the state, executed by a surety
4729 company authorized to do business in this state or otherwise secured
4730 in a manner satisfactory to the state, for the protection of all persons
4731 supplying labor and material to the contractor or its subcontractors for
4732 the performance of the construction work provided for in the contract.
4733 The bond shall be in an amount equal to one hundred per cent of the
4734 portion of the contract price that does not include the cost of operation,
4735 maintenance and finance.

4736 (b) Regulations may authorize the State Contracting Standards
4737 Board to reduce the amount of performance and payment bonds to
4738 fifty per cent of the amounts established in subsection (a) of this
4739 section.

4740 (c) Nothing in this section shall be construed to limit the authority of
4741 the state to require a performance bond or other security in addition to
4742 such bonds, or in circumstances other than specified in subsection (a)
4743 of this section.

4744 Sec. 106. (NEW) (*Effective July 1, 2008*) (a) The Commissioner of
4745 Administrative Services shall adopt regulations, in accordance with
4746 chapter 54 of the general statutes, with the advice of the State
4747 Contracting Standards Board, concerning the form of the bonds
4748 required by the uniform procurement code.

4749 (b) Any person may request and obtain from the state a certified
4750 copy of a bond upon payment of the cost of reproduction of the bond
4751 and postage, if any. A certified copy of a bond shall be prima facie
4752 evidence of the contents, execution, and delivery of the original.

4753 Sec. 107. (NEW) (*Effective July 1, 2008*) The Commissioner of
4754 Administrative Services shall adopt regulations, in accordance with
4755 chapter 54 of the general statutes, with the advice of the state
4756 Contracting Standards Board, that specify when the state contracting
4757 agency shall require proposers to provide appropriate errors and
4758 omissions insurance to cover architectural and engineering services
4759 under the project delivery methods set forth in the uniform
4760 procurement code.

4761 Sec. 108. (NEW) (*Effective July 1, 2008*) (a) With respect to
4762 infrastructure facilities and services, the State Contracting Standards
4763 Board, in consultation with the state contracting agencies, shall adopt
4764 regulations, in accordance with chapter 54 of the general statutes,
4765 requiring the inclusion in state contracts issued under the uniform
4766 procurement code of clauses providing for adjustments in prices, time

4767 of performance, or other contract provisions, as appropriate, and
4768 covering the following subjects:

4769 (1) The unilateral right of the state to order in writing:

4770 (A) Changes in the work within the scope of the contract; and

4771 (B) Changes in the time of performance of the contract that do not
4772 alter the scope of the contract work;

4773 (2) Variations occurring between estimated quantities of work in a
4774 contract and actual quantities;

4775 (3) Suspension of work ordered by the state; and

4776 (4) Site conditions differing from those indicated in the contract, or
4777 ordinarily encountered, except that differing site conditions clauses
4778 promulgated by the board need not be included in a contract:

4779 (A) When the contract is negotiated;

4780 (B) When the contractor provides the site or design; or

4781 (C) When the parties have otherwise agreed with respect to the risk
4782 of differing site conditions.

4783 (b) (1) Adjustments in price pursuant to clauses promulgated under
4784 subsection (a) of this section shall be computed in one or more of the
4785 following ways:

4786 (A) By agreement on a fixed-price adjustment before
4787 commencement of the pertinent performance or as soon thereafter as
4788 practicable;

4789 (B) By unit prices specified in the contract or subsequently agreed
4790 upon;

4791 (C) By the costs attributable to the events or situations under such
4792 clauses with adjustment of profit or fee, all as specified in the contract

4793 or subsequently agreed upon;

4794 (D) In such other manner as the contracting parties may mutually
4795 agree; or

4796 (E) In the absence of agreement by the parties, by a unilateral
4797 determination by the state of the costs attributable to the events or
4798 situations under such clauses with adjustment of profit or fee, all as
4799 computed by the state in accordance with applicable sections of
4800 regulations adopted in accordance with chapter 54 of the general
4801 statutes.

4802 (2) A contractor shall be required to submit cost or pricing data if
4803 any adjustment in contract price is subject to the provisions of the
4804 uniform procurement code.

4805 (c) Regulations shall be adopted, in accordance with chapter 54 of
4806 the general statutes, requiring the inclusion in state construction
4807 contracts of clauses providing for appropriate remedies and covering
4808 the following subjects:

4809 (1) Liquidated damages as appropriate;

4810 (2) Specified excuses for delay or nonperformance;

4811 (3) Termination of the contract for default; and

4812 (4) Termination of the contract in whole or in part for the
4813 convenience of the state.

4814 Sec. 109. (NEW) (*Effective July 1, 2008*) Every contract modification,
4815 change order, or contract price adjustment under a construction
4816 contract with the state in excess of fifty thousand dollars shall be
4817 subject to prior written certification by the fiscal officer of the state
4818 contracting agency or other agency responsible for funding the project
4819 or the contract, or other official responsible for monitoring and
4820 reporting upon the status of the costs of the total project budget or

4821 contract budget, as to the effect of the contract modification, change
4822 order or adjustment in contract price on the total project budget or the
4823 total contract budget. In the event that the certification of the fiscal
4824 officer or other responsible official discloses a resulting increase in the
4825 total project budget or the total contract budget, the Agency
4826 Procurement Officer shall not execute or make such contract
4827 modification, change order or adjustment in contract price unless
4828 sufficient funds are available therefor, or the scope of the project or
4829 contract is adjusted so as to permit the degree of completion that is
4830 feasible within the total project budget or total contract budget as it
4831 existed prior to the contract modification, change order or adjustment
4832 in contract price under consideration, provided with respect to the
4833 validity as to the contractor, of any executed contract modification,
4834 change order, or adjustment in contract price which the contractor has
4835 reasonably relied upon, it shall be presumed that there has been
4836 compliance with the provisions of this section.

4837 Sec. 110. (NEW) (*Effective July 1, 2008*) (a) With respect to contracts
4838 for supplies and services, the State Contracting Standards Board, in
4839 consultation with state contracting agencies may adopt regulations in
4840 accordance with chapter 54 of the general statutes permitting or
4841 requiring the inclusion of clauses providing for adjustments in prices,
4842 time of performance, or other contract provisions as appropriate
4843 covering the following subjects:

4844 (1) The unilateral right of the state to order in writing:

4845 (A) Changes in the work within the scope of the contract; and

4846 (B) Temporary stopping of the work or delaying performance; and

4847 (2) Variations occurring between estimated quantities of work in a
4848 contract and actual quantities.

4849 (b) (1) Adjustments in price pursuant to clauses adopted under
4850 subsection (a) of this section shall be computed in one or more of the
4851 following ways:

4852 (A) By agreement on a fixed-price adjustment before
4853 commencement of the pertinent performance or as soon thereafter as
4854 practicable;

4855 (B) By unit prices specified in the contract or subsequently agreed
4856 upon;

4857 (C) By the costs attributable to the events or situations under such
4858 clauses with adjustment of profit or fee, all as specified in the contract
4859 or subsequently agreed upon;

4860 (D) In such other manner as the contracting parties may mutually
4861 agree; or

4862 (E) In the absence of agreement by the parties, by a unilateral
4863 determination by the state of the costs attributable to the events or
4864 situations under such clauses with adjustment of profit or fee, all as
4865 computed by the state in accordance with applicable sections of the
4866 regulations adopted under the uniform procurement code.

4867 (c) The Commissioner of Administrative Services may adopt
4868 regulations, in accordance with chapter 54 of the general statutes,
4869 following consultation with the State Contracting Standards Board,
4870 permitting or requiring the inclusion in state contracts of clauses
4871 providing for appropriate remedies and covering the following
4872 subjects:

4873 (1) Liquidated damages as appropriate;

4874 (2) Specified excuses for delay or nonperformance;

4875 (3) Termination of the contract for default; and

4876 (4) Termination of the contract in whole or in part for the
4877 convenience of the state.

4878 Sec. 111. (NEW) (*Effective July 1, 2008*) The Commissioner of
4879 Administrative Services may adopt regulations, in accordance with

4880 chapter 54 of the general statutes, with the advice of the State
4881 Contracting Standards Board, governing:

4882 (1) The management of supplies during their entire life cycle;

4883 (2) The sale, lease, or disposal of surplus supplies by public auction,
4884 competitive sealed bidding, or other appropriate method designated
4885 by regulation, provided that no employee of the owning or disposing
4886 agency shall be entitled to purchase any such supplies; and

4887 (3) Transfer of excess supplies.

4888 Sec. 112. (NEW) (*Effective July 1, 2008*) Unless otherwise provided by
4889 law, the Commissioner of Administrative Services shall be empowered
4890 to allocate proceeds from the sale, lease or disposal of surplus supplies.

4891 Sec. 113. (NEW) (*Effective from passage*) For purposes of sections 114
4892 and 115 of this act:

4893 (1) "Procurement" means contracting for, buying, purchasing,
4894 renting, leasing or otherwise acquiring or disposing of, any supplies,
4895 services, including but not limited to, contracts for purchase of services
4896 and personal service agreements, interest in real property, or
4897 construction, and includes all government functions that relate to such
4898 activities, including best value selection and qualification based
4899 selection.

4900 (2) "Emergency procurement" means procurement by a state agency
4901 that is made necessary by a sudden, unexpected occurrence that poses
4902 a clear and imminent danger to public safety or requires immediate
4903 action to prevent or mitigate the loss or impairment of life, health,
4904 property or essential public services or in response to a court order,
4905 settlement agreement or other similar legal judgment.

4906 (3) "Best value selection" means a contract selection process in which
4907 the award of a contract is based on a combination of quality and cost
4908 considerations.

4909 (4) "Qualification based selection" means a contract selection process
4910 in which the award of a contract is primarily based on an assessment
4911 of contractor qualifications and on the negotiation of a fair and
4912 reasonable price.

4913 (5) "State contracting agency" means any state agency or political
4914 subdivision of the state, other than the State Contracting Standards
4915 Board, that is authorized by law to enter into contracts, including, but
4916 not limited to, any quasi-public agency, as defined in section 1-120 of
4917 the general statutes, and any state agency, as defined in section 4a-50
4918 of the general statutes, that receives state funds. State contracting
4919 agency does not include the Judicial Department or the Joint
4920 Committee on Legislative Management.

4921 (6) "Contractor" means any person or entity bidding on, submitting
4922 a proposal for, applying for or participating as a subcontractor for, a
4923 transaction, procurement or contract including, but not limited to, a
4924 small contractor, minority business enterprise, and an individual with
4925 a disability, as defined in section 4a-60g of the general statutes.

4926 (7) "Contract risk assessment" means (A) the identification and
4927 evaluation of loss exposures and risks, including, but not limited to,
4928 business and legal risks associated with the contracting process and
4929 the contracted goods and services, and (B) the identification,
4930 evaluation and implementation of measures available to minimize
4931 potential loss exposures and risks.

4932 (8) "Privatization contract" means an agreement or series of
4933 agreements between a state contracting agency and a person, in which
4934 such person agrees to provide services valued at five hundred
4935 thousand dollars or more over the life of the contract that are
4936 substantially similar to and in lieu of services provided, in whole or in
4937 part, by employees of such agency or by employees of another state
4938 agency for such state agency. "Privatization contract" does not include
4939 an agreement to only provide legal services, litigation support or
4940 management or financial consulting.

4941 (9) "Comparative costs" means a comparison of the costs of entering
4942 into a privatization contract to the costs of the state providing the
4943 services that are the subject of the privatization contract, using a
4944 comparative costs analysis.

4945 (10) "Comparative costs analysis" means an examination of all direct
4946 and indirect costs or savings to the state and an examination of the
4947 effect of a proposed privatization contract on the public health and
4948 safety of residents of the state who may utilize such privatized service.

4949 (11) "Purchase of service agreement" means any contract between a
4950 state agency and a nonprofit agency, partnership or corporation for the
4951 purchase by the state of ongoing and routine health and human
4952 services for clients of the Departments of Social Services, Children and
4953 Families, Mental Retardation, Mental Health and Addiction Services,
4954 Public Health and Correction which is overseen by the Office of Policy
4955 and Management.

4956 (12) "Rebidding" means a state contracting agency's requesting of
4957 proposals or qualifications for a contract to provide goods or services
4958 that are specific to an existing facility or program provided such goods
4959 or services are being provided under a contract in effect as of the
4960 effective date of this section.

4961 (13) "Established wage rate" means (A) for for-profit contractors a
4962 minimum wage rate for employee positions with duties that are
4963 substantially similar to the duties performed by a regular agency,
4964 which rate shall be the lesser of step one of the grade or classification
4965 under which the comparable regular agency employee is paid, or the
4966 standard private sector wage rate for said position, as determined by
4967 the Labor Commissioner in accordance with section 31-57f of the
4968 general statutes and shall include a percentage representing the
4969 normal costs of health care and pension benefits for comparable state
4970 employees hired at the time of the contract; (B) for non-profit
4971 providers, a rate no lesser than step one of the grade or classification
4972 under which the most comparable regular agency employee is paid

4973 and shall include a percentage representing the normal costs of health
4974 care and pension benefits for comparable state employees hired at the
4975 time of the contract; and (C) for nonprofit providers receiving less than
4976 ninety per cent of their funding for personal services from the state, the
4977 established rate may be lowered, provided that all additional funding
4978 for wage and benefits required by section 115 of this act is used in a
4979 manner designed to assure that all similarly situated workers are paid
4980 as closely as possible in accordance with section 115 and is used to
4981 provide wage or benefit increases to employees covered by the state
4982 contract and to other employees who are providing the services or
4983 performing functions comparable to those covered by the state
4984 contract.

4985 (14) "Wage" shall include wages and salaries.

4986 Sec. 114. (NEW) (*Effective January 1, 2008*) (a) On or before January 1,
4987 2007, the State Contracting Standards Board shall prepare a uniform
4988 procurement code applicable to state contracting agency expenditures,
4989 including, but not limited to, expenditures: (1) By municipalities that
4990 receive state funds, (2) involving any state contracting and
4991 procurement processes, including, but not limited to, leasing and
4992 property transfers, purchasing or leasing of supplies, materials or
4993 equipment, as defined in section 4a-50 of the general statutes,
4994 consultant or consultant services, as defined in section 4b-55 of the
4995 general statutes, personal service agreements, as defined in section 4-
4996 212 of the general statutes, purchase of service agreements or
4997 privatization contracts, and (3) relating to contracts for the
4998 construction, reconstruction, alteration, remodeling, repair or
4999 demolition of any public building. Nothing in this section shall be
5000 construed to require the application of uniform procurement code
5001 procedures when such procurement involves the expenditure of
5002 federal assistance or contract funds and federal law provides
5003 applicable procurement procedures to the extent such procedures are
5004 inconsistent with the uniform procurement code.

5005 (b) The uniform procurement code described in subsection (a) of

5006 this section shall be designed to: (1) Establish uniform contracting
5007 standards and practices among the various state contracting agencies;
5008 (2) simplify and clarify the state's laws governing contracting
5009 standards and procurement policies and practices, including, but not
5010 limited to, procedures for competitive sealed bids, competitive sealed
5011 proposals, small purchases, sole source procurements, emergency
5012 procurements and special procurements; (3) ensure the fair and
5013 equitable treatment of all businesses and persons who deal with the
5014 procurement system of the state; (4) include a process to maximize the
5015 use of small contractors and minority business enterprises, as defined
5016 in section 4a-60g of the general statutes; (5) provide increased economy
5017 in state procurement activities and maximize purchasing value to the
5018 fullest extent possible; (6) ensure that the procurement of supplies,
5019 materials, equipment, services, real property and construction required
5020 by any state contracting agency is obtained in a cost-effective and
5021 responsive manner; (7) preserve and maintain the existing contracting,
5022 procurement, disqualification and termination authority and discretion
5023 of any state contracting agency when such contracting and
5024 procurement procedures represent best practices; (8) include a process
5025 to improve contractor and state contracting agency accountability; (9)
5026 include standards by which state contracting agencies must evaluate
5027 proposals to privatize state or quasi-public agency services and
5028 privatization contract bid proposals. Such standards shall, at a
5029 minimum, include: (A) A requirement for a comparative costs analysis
5030 to be completed prior to any state or quasi-public agency decision to
5031 privatize services, (B) adequate notification requirements to affected
5032 employees and, where applicable, certified bargaining agents, (C) a
5033 requirement for the preparation of an employee impact statement
5034 including measures that may be taken by the bidder to retain qualified
5035 state and quasi-public agency employees, (D) a provision for any
5036 privatization contract that would require the layoff, transfer or
5037 reassignment of one hundred or more state employees, to require state
5038 agencies and quasi-public agencies to provide adequate information to
5039 their employees for the purpose of encouraging and assisting such
5040 state or quasi-public employees to organize and submit a bid to

5041 provide the services that are the subject of the privatization contract,
5042 (E) a requirement that bidders disclose all relevant information
5043 pertaining to past performance, pending or concluded legal or
5044 regulatory proceedings or complaints, including, but not limited to,
5045 compliance with fair employment practices and nondiscrimination
5046 standards, as described in section 46a-60 of the general statutes, and
5047 compliance with federal fair employment and nondiscrimination
5048 standards, (F) a requirement that where any applicable collective
5049 bargaining agreement allows layoffs resulting from privatization, any
5050 for-profit contractor will offer available employee positions pursuant
5051 to the contract to qualified regular employees of the agency whose
5052 state employment is terminated because of such privatization contract
5053 provided such employees satisfy the hiring criteria of the contractor,
5054 and (G) provisions for a fair wage according to objective standards,
5055 such as the established wage rate defined in section 1 of this act; (10)
5056 provide that the renewal, modification, extension or rebidding of a
5057 privatization agreement in effect on or before the effective date of this
5058 section, or reentered into after the effective date of this section, shall be
5059 subject to the procurement code on and after January 1, 2010; (11)
5060 establish standards for leases and lease-purchase agreements and for
5061 the purchase and sale of real estate; and (12) provide a process for
5062 competitive sealed bids, competitive sealed proposals, small
5063 purchases, sole source procurements, emergency procurements,
5064 special procurements, best value selection, qualification based
5065 selection and the conditions for their use.

5066 (c) In preparing the uniform procurement code described in
5067 subsection (a) of this section, the State Contracting Standards Board
5068 shall conduct a comprehensive review of existing state contracting and
5069 procurement laws, regulations and practices and shall utilize existing
5070 procurement procedures and guidelines that the board deems
5071 appropriate.

5072 (d) Upon request by the State Contracting Standards Board, each
5073 state contracting agency engaged in procurement shall provide the

5074 board, in a timely manner, with such procurement information as the
5075 board deems necessary. The board shall have access to all information,
5076 files and records related to any state contracting agency in furtherance
5077 of this purpose. Nothing in this section shall be construed to require
5078 the board's disclosure of documents that are exempt from disclosure
5079 pursuant to chapter 14 of the general statutes or that may be protected
5080 from disclosure under claim of an attorney-client privilege.

5081 (e) Such uniform procurement code shall be submitted to the
5082 General Assembly for its approval. The board shall file such code with
5083 the clerks of the House of Representatives and the Senate not later than
5084 January 15, 2008, and not later than January 20, 2008, the speaker of the
5085 House of Representatives and the president pro tempore of the Senate
5086 shall submit such code to the joint standing committee of the General
5087 Assembly having cognizance of matters relating to government
5088 administration and elections. Said committee shall hold a public
5089 hearing on such code and shall report its recommendations, including
5090 any changes thereto, to the House of Representatives and the Senate
5091 concerning the approval or rejection of the code. The General
5092 Assembly shall take a vote on such code not later than the end of the
5093 2008 regular session.

5094 Sec. 115. (NEW) (*Effective from passage*) (a) From the effective date of
5095 this section, until the passage and signing into law of a uniform
5096 procurement code, no state agency may enter into a privatization
5097 contract other than an emergency procurement, unless each of the
5098 following conditions have been met:

5099 (1) Such contract is cost effective and fiscally prudent taking into
5100 consideration comparative costs including all direct and indirect costs
5101 to the state and the impact of such privatization contract on the public
5102 health and safety and the residents of Connecticut who use the services
5103 that are the subject of the privatization contract.

5104 (2) Such agency has complied with the provisions of subsection (b)
5105 of this section.

5106 (3) Prior to any state agency's solicitation of bids for a privatization
5107 contract, such agency shall prepare an analysis of the costs and
5108 benefits to the agency of (A) privatizing services, and (B) continuing to
5109 provide such services using state employees of the state agency. Such
5110 analysis shall include, but not be limited to: (i) An examination of all
5111 direct and indirect costs to the state, not including wages and benefits,
5112 but including, unemployment compensation costs of state employees
5113 terminated as a result of the privatization contract, gain or loss of
5114 income tax and sales tax revenue to the state, and (ii) an examination
5115 of the effect of such proposed privatization on the quality of service,
5116 the public health and safety and residents of the state who may utilize
5117 such privatized service . Additionally, the state agency shall include in
5118 such cost analysis any costs or penalties the state may incur if such
5119 contract is terminated by the state prior to the termination date
5120 contained in such contract. Each state agency shall transmit such
5121 analysis to the Secretary of the State who shall maintain copies of each
5122 such proposed contract and analysis as public records and to the
5123 Auditors of Public Accounts who may review and comment on such
5124 analysis.

5125 (4) At least sixty days prior to publishing any notice soliciting bids
5126 for a privatization contract, a state agency shall notify each collective
5127 bargaining organization representing employees of the agency of such
5128 planned solicitation. Where the contract would result in the layoff,
5129 transfer or reassignment of one hundred or more state or quasi-public
5130 agency employees, after consulting with the potentially affected
5131 bargaining units, if any, the agency shall provide adequate resources
5132 for the purpose of encouraging and assisting present agency
5133 employees to organize and submit a bid to provide the services that
5134 are the subject of the privatization contract. In determining what
5135 resources are adequate for this purpose, the agency shall refer to an
5136 existing collective bargaining agreement of a similar employee
5137 organization whose members perform the subject services, if available,
5138 which agreement provides similar resources in the same or other
5139 agencies. If no such collective bargaining agreement exists, the agency

5140 shall refer to any existing collective bargaining agreements providing
5141 such resources, and shall provide such resources at the minimum level
5142 of assistance provided in such agreements. The state agency shall also
5143 provide to the state employees its analysis and any report of the
5144 Auditors of Public Accounts prepared in accordance with this act. The
5145 agency shall consider any such employee bid on the same basis as all
5146 other bids. An employee bid may be made as a joint venture with other
5147 persons.

5148 (b) The state agency soliciting bids for a privatization contract shall
5149 require the bidders to include the following information in their bid
5150 submission:

5151 (1) The wage rate or annual salary for each employee as required by
5152 the established wage rate or, if not known, each position covered by
5153 the privatization contract;

5154 (2) An agreement by any for-profit bidder or contractor to offer
5155 available positions qualified regular employees of the state agency
5156 whose state employment is terminated because of the privatization
5157 contract and who satisfy the hiring criteria of the contractor;

5158 (3) An agreement by the bidder or the contractor to refrain from
5159 engaging in discriminatory employment practices, as defined in
5160 section 46a-51 of the general statutes, and to take affirmative steps to
5161 provide such equal opportunity for all such persons;

5162 (4) The annual rate of employee turnover;

5163 (5) Any legal or administrative proceedings pending or concluded
5164 adversely against the applicant or any of the applicant's principals or
5165 key personnel within the past five years that relate to the procurement
5166 or performance of any public or private construction contract,
5167 employee safety and health, labor relations or other employment
5168 requirements and whether the applicant is aware of any investigation
5169 pending against the applicant or any principal or key personnel. Such
5170 information shall specify the date of the complaint, citation, court

5171 finding or administrative finding, the enforcement agency, rule, law or
5172 regulation involved and any additional information the contractor
5173 elects to submit; and

5174 (6) Any collective bargaining agreements or personnel policies
5175 covering the employees that will provide services to the state.

5176 (c) Any state agency selecting a bidder for a privatization contract
5177 shall develop a contract that is acceptable to the bidder and the state
5178 agency, provided such contract shall include funds from the state that
5179 are required to comply with this section, plus for nonprofit human
5180 service providers, twenty per cent to be for administrative costs, and
5181 up to an additional forty per cent as may be documented by the
5182 provider which shall be used solely to provide for higher wages or
5183 salaries for employees who are beyond entry level, or who have
5184 additional needed skills; provided however that the amount required
5185 of the contractor, and provided by the state, for wages, benefits and
5186 administrative costs, as required by this section, for a contract renewal,
5187 modification, extension or rebidding shall not be increased by more
5188 than ten per cent per year as a result of this subsection except to the
5189 extent that additional increases are required by state, or federal law, or
5190 by the provisions of a collective bargaining agreement and shall
5191 include the following additional terms:

5192 (1) Where any applicable collective bargaining agreement allows
5193 layoffs as a result of privatization, any for-profit contractor shall be
5194 required to offer available employee positions pursuant to the contract
5195 to qualified regular employees of the agency whose state employment
5196 is terminated because of the privatization contract and who satisfy the
5197 hiring criteria of the contractor;

5198 (2) The contractor shall be prohibited from engaging in
5199 discriminatory employment practices, as defined in section 46a-51 of
5200 the general statutes, and shall take affirmative steps to provide such
5201 equal opportunity for all such persons;

5202 (3) The contractor shall be required to submit to performance audits
5203 of such contract by the Auditors of Public Accounts on a periodic
5204 basis, as determined by the Auditors of Public Accounts;

5205 (4) The contractor shall pay wage rates no lower than the
5206 established wage rates; and

5207 (5) Such contract shall not become effective until the contractor and
5208 state agency have complied with the provisions of this section.

5209 (d) Upon signing such contract, the state agency shall submit such
5210 contract to the Secretary of the State who shall maintain such contract
5211 as a public document. Concomitantly, the state agency shall submit to
5212 the Secretary of the State the following information:

5213 (1) A certification that the state agency has complied with all the
5214 requirements of the state agency contained in the provisions of this
5215 section;

5216 (2) The state agency analysis prepared in accordance with this
5217 section and a report by the state agency explaining any changes in
5218 such analysis and report as a result of the terms of the proposed
5219 privatization contract;

5220 (3) A state agency analysis of the quality of the services to be
5221 provided by the designated bidder and whether such services are
5222 equal to or exceed the quality of services that are provided by regular
5223 agency employees;

5224 (4) A certification by the designated bidder that the bidder and its
5225 supervisory employees, while in the employ of the designated bidder,
5226 have no adjudicated record of repeated willful noncompliance with
5227 any relevant federal or state regulatory law including, but not limited
5228 to, laws concerning labor relations, occupational safety and health,
5229 nondiscrimination and affirmative action, environmental protection
5230 and conflicts of interest; and

5231 (5) A description of why the proposed privatization contract is in
5232 the public interest.

5233 (e) (1) Until January 1, 2010, a privatization contract with a
5234 nonprofit contractor shall only be required to comply with subsection
5235 (c) of this section, unless such contract results in the layoff, transfer or
5236 reassignment of any state employee in which case this section shall
5237 apply in full; (2) the renewal, modification, extension or rebidding of a
5238 privatization agreement in effect on or before the effective date of this
5239 section shall only be required to comply with subsection (c) of this
5240 section, unless such contract results in the layoff, transfer or
5241 reassignment of any state employee in which case this section shall
5242 apply in full; (3) in no event shall any proposed privatization contract
5243 with a nonprofit provider be subject to subsection (f) of this section,
5244 unless such contract would result in the layoff, transfer, or
5245 reassignment of any state employee.

5246 (f) Any employees, or collective bargaining agent of any employees,
5247 adversely affected by any proposed privatization contract may file a
5248 motion for an order to show cause in the superior court for the judicial
5249 district of Hartford claiming that such contract fails to comply with the
5250 substantive or procedural requirements of this act. A ruling on any
5251 such motion may: (1) Deny the motion, if the court finds that all
5252 procedural and substantive provisions section 115 of this act have been
5253 complied with; (2) grant the motion if the court finds that the proposed
5254 contract would substantively violate the provisions of section 115 of
5255 this act; or (3) stay the effective date of the contract until any
5256 procedural or substantive defect found by the court has been
5257 corrected.

5258 (g) No funds paid to any contractor as a result of any privatization
5259 contract may be used for purposes of lobbying, as defined in section 1-
5260 91 of the general statutes.

5261 Sec. 116. Sections 4-98; 4-100; 4-124p; 4-212; 4-213; 4-214; 4-215; 4-
5262 216; 4-217; 4-218; 4-219; 4a-2; 4a-4; subsection (a) of 4a-6; sections 4a-7a;

5263 4a-9; subdivisions (1) to (5), inclusive, and subdivision (7) of section 4a-
 5264 50; sections 4a-51; 4a-52; 4a-52a; 4a-52b; 4a-53; 4a-54; 4a-55; 4a-56;
 5265 subsections (a), (d) and (e) of section 4a-57; sections 4a-57a; 4a-57b; 4a-
 5266 58; subdivisions (1) and (2) of subsection (a) of section 4a-59;
 5267 subsections (b) to (f), inclusive, of section 4a-59; sections 4a-59a; 4a-60;
 5268 4a-60a; 4a-60h; 4a-60i; 4a-60j; 4a-61; 4a-62; 4a-63; 4a-64; 4a-65; 4a-66; 4a-
 5269 67; 4a-67c; 4a-67d; 4a-67e; 4a-67f; 4a-71; 4a-72; 4a-73; 4a-74; 4a-75; 4a-76;
 5270 4a-80; 4a-81; 4b-1; 4b-23; 4b-24; 4b-26; 4b-30; 4b-30a; 4b-32; 4b-33; 4b-34;
 5271 4b-35; 4b-36; 4b-37; 4b-38; 4b-55; 4b-55a; 4b-56; 4b-57; 4b-58; 4b-59; 4b-
 5272 92; 4b-93; 4b-94; 4b-95; 4b-95a; 4b-96; 4b-100; 4b-100a; 4b-101; 4b-102;
 5273 4d-2; 4d-8; subdivisions (1) to (3), inclusive, of section 4d-30; sections
 5274 4d-31; 4d-32; 4d-33; 4d-34; 4d-35; 4d-36; 4d-37; 4d-38; 4d-39; 4d-40; 4d-
 5275 41; 4d-42; 4d-43; 4d-44; 4d-45; 4d-46; 4d-47; 4d-48; 10-298b; 10a-151b;
 5276 13a-33; 13b-20b; 13b-20c; 13b-20d; 13b-20e; 13b-20f; 13b-20g; 13b-20h;
 5277 13b-20i; 13b-20j; 13b-20k; 13b-20m; 13b-20n; 13b-34; 13b-36; 13b-53;
 5278 17b-3; 17b-25; 17b-28b; 17b-656; 18-88; 18-89; 27-25; 31-57a; 31-57b; 31-
 5279 57c; 31-57d; 32-1c; 46a-56; 46a-68b; 46a-68c; 46a-68d; 46a-68e; 46a-68f;
 5280 46a-68g and 49-41c of the general statutes are repealed. (*Effective July 1,*
 5281 *2008*)

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| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | <i>from passage</i> | 20-281c |
| Sec. 2 | <i>from passage</i> | New section |
| Sec. 3 | <i>from passage</i> | 10-29a(a) |
| Sec. 4 | <i>from passage</i> | 2c-2b |
| Sec. 5 | <i>from passage</i> | New section |
| Sec. 6 | <i>from passage</i> | New section |
| Sec. 7 | <i>from passage</i> | New section |
| Sec. 8 | <i>from passage</i> | 3-117(c) |
| Sec. 9 | <i>from passage</i> | 4d-90 |
| Sec. 10 | <i>from passage</i> | 4d-7 |
| Sec. 11 | <i>from passage</i> | New section |
| Sec. 12 | <i>from passage</i> | New section |
| Sec. 13 | <i>from passage</i> | New section |
| Sec. 14 | <i>October 1, 2007</i> | 3-107 |

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| Sec. 15 | <i>from passage</i> | New section |
| Sec. 16 | <i>from passage</i> | New section |
| Sec. 17 | <i>from passage</i> | 3-21e(c) |
| Sec. 18 | <i>from passage</i> | 4a-82(m) |
| Sec. 19 | <i>from passage</i> | 4a-100(k) |
| Sec. 20 | <i>from passage</i> | 4b-103 |
| Sec. 21 | <i>from passage</i> | 9-249(b) |
| Sec. 22 | <i>from passage</i> | 9-705(c) |
| Sec. 23 | <i>from passage</i> | 9-705(g) |
| Sec. 24 | <i>from passage</i> | 3-22k |
| Sec. 25 | <i>from passage</i> | 4a-67d |
| Sec. 26 | <i>from passage</i> | New section |
| Sec. 27 | <i>from passage</i> | 9-7b |
| Sec. 28 | <i>from passage</i> | 9-604(d) |
| Sec. 29 | <i>from passage</i> | 9-605(b) |
| Sec. 30 | <i>from passage</i> | 9-610(e) and (f) |
| Sec. 31 | October 1, 2007 | 9-610(e) and (f) |
| Sec. 32 | <i>from passage</i> | 9-372 |
| Sec. 33 | <i>from passage</i> | 9-675(b) |
| Sec. 34 | <i>from passage</i> | 9-702(b) and (c) |
| Sec. 35 | <i>from passage</i> | 9-703 |
| Sec. 36 | <i>from passage</i> | 9-704 |
| Sec. 37 | <i>from passage</i> | 9-706 |
| Sec. 38 | <i>from passage</i> | 9-751 |
| Sec. 39 | July 1, 2007 | New section |
| Sec. 40 | <i>from passage</i> | New section |
| Sec. 41 | <i>from passage</i> | New section |
| Sec. 42 | <i>from passage</i> | New section |
| Sec. 43 | <i>from passage</i> | New section |
| Sec. 44 | <i>from passage</i> | New section |
| Sec. 45 | <i>from passage</i> | New section |
| Sec. 46 | <i>from passage</i> | New section |
| Sec. 47 | <i>from passage</i> | New section |
| Sec. 48 | <i>from passage</i> | New section |
| Sec. 49 | <i>from passage</i> | New section |
| Sec. 50 | <i>from passage</i> | New section |
| Sec. 51 | <i>from passage</i> | New section |
| Sec. 52 | July 1, 2008 | New section |
| Sec. 53 | July 1, 2008 | New section |
| Sec. 54 | July 1, 2008 | New section |

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| Sec. 55 | <i>July 1, 2008</i> | New section |
| Sec. 56 | <i>from passage</i> | New section |
| Sec. 57 | <i>from passage</i> | New section |
| Sec. 58 | <i>upon passage</i> | New section |
| Sec. 59 | <i>July 1, 2008</i> | New section |
| Sec. 60 | <i>July 1, 2008</i> | New section |
| Sec. 61 | <i>July 1, 2008</i> | New section |
| Sec. 62 | <i>July 1, 2008</i> | New section |
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| Sec. 80 | <i>July 1, 2008</i> | New section |
| Sec. 81 | <i>July 1, 2008</i> | New section |
| Sec. 82 | <i>July 1, 2008</i> | New section |
| Sec. 83 | <i>July 1, 2008</i> | New section |
| Sec. 84 | <i>July 1, 2008</i> | New section |
| Sec. 85 | <i>July 1, 2008</i> | New section |
| Sec. 86 | <i>July 1, 2008</i> | New section |
| Sec. 87 | <i>July 1, 2008</i> | New section |
| Sec. 88 | <i>from passage</i> | New section |
| Sec. 89 | <i>July 1, 2008</i> | New section |
| Sec. 90 | <i>July 1, 2008</i> | New section |
| Sec. 91 | <i>July 1, 2008</i> | New section |
| Sec. 92 | <i>July 1, 2008</i> | New section |
| Sec. 93 | <i>July 1, 2008</i> | New section |
| Sec. 94 | <i>July 1, 2008</i> | New section |

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| Sec. 95 | <i>July 1, 2008</i> | New section |
| Sec. 96 | <i>July 1, 2008</i> | New section |
| Sec. 97 | <i>July 1, 2008</i> | New section |
| Sec. 98 | <i>July 1, 2008</i> | New section |
| Sec. 99 | <i>July 1, 2008</i> | New section |
| Sec. 100 | <i>July 1, 2008</i> | New section |
| Sec. 101 | <i>July 1, 2008</i> | New section |
| Sec. 102 | <i>July 1, 2008</i> | New section |
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| Sec. 104 | <i>July 1, 2008</i> | New section |
| Sec. 105 | <i>July 1, 2008</i> | New section |
| Sec. 106 | <i>July 1, 2008</i> | New section |
| Sec. 107 | <i>July 1, 2008</i> | New section |
| Sec. 108 | <i>July 1, 2008</i> | New section |
| Sec. 109 | <i>July 1, 2008</i> | New section |
| Sec. 110 | <i>July 1, 2008</i> | New section |
| Sec. 111 | <i>July 1, 2008</i> | New section |
| Sec. 112 | <i>July 1, 2008</i> | New section |
| Sec. 113 | <i>from passage</i> | New section |
| Sec. 114 | <i>January 1, 2008</i> | New section |
| Sec. 115 | <i>from passage</i> | New section |
| Sec. 116 | <i>July 1, 2008</i> | Repealer section |

GAE *Joint Favorable Subst.*